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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of General Sessions

Appellate Case No. 2021-001275

The Honorable Robert J. Bonds, Circuit Court Judge

State of South Carolina.....Respondent,

v.

Tiesh Rhue Appellant.

**RECORD ON APPEAL
VOLUME II OF V**

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(States exhibits

- **No. 9 – disk;**
- **No. 10 – disk;**
- **No. 19 – missing persons report;**
- **No. 21- video;**
- **No. 24 – flash drive of photographs;**
- **No. 27 – video;**
- **No. 39 – flash drive of photographs;**
- **No. 42 – texts;**
- **Nos. 57-74 – autopsy photos;**
- **No. 76 – autopsy photo;**
- **No. 89 – map of the City of Georgetown;**
- **No. 97 – redacted disk;**
- **No. 101 – Walmart video disk;**
- **No. 102 – Walmart receipt;**
- **Nos. 104-105 – consent forms;**
- **No. 107 – video; and**
- **No. 115 – voicemail CD – are all on file with this Court)**

1 wherever else anybody wants to sit, feel free, but I would
2 ask of you to take those seats. Okay?

3 And our alternates, I think we've got them right
4 there, that should have -- you know where your seat is,
5 they've got alternate right on them, so you can't miss it.

6 Ladies and gentlemen, the first order of business,
7 is I'm going to need the Clerk, if she would administer the
8 oath to you, that I now I need you to stand and take.

9 THE CLERK: Please raise your right hand.

10 Do you solemnly swear or affirm that you will
11 truly try the issues joined in this case and a true verdict
12 rendered according to the law and evidence, so help you God?

13 THE JURY: I do.

14 THE CLERK: Thank you. Please be seated.

15 THE COURT: All right. Ladies and gentlemen, we
16 are about to try the case of the State versus Alexander Rhue
17 Sr., Alexander Rhue Jr., and Tiesh Annette Rhue.

18 And before we begin the trial, I want to tell you
19 that this trial is going to be different than probably what
20 you would expect. Many folks don't have the opportunity to
21 actually attend a court session as you're doing now. And
22 may think from watching television, movies, reading books,
23 that trials are always full of high drama, intense action,
24 and riveting circumstances. And I will tell you, while all
25 of these things maybe true at times, a trial is not for

1 entertainment. It's a fundamental part of our democracy and
2 it's often slow, it's often deliberate, and it's often
3 repetitive, the exact opposite of what you see in the movies
4 and what you read in books or what you may see on
5 television.

6 Ladies and gentlemen, this courtroom is a place of
7 honor and it's dedicated to the protection and preservation
8 of citizen's rights, through what many have called the
9 greatest justice system ever created. The attorneys that
10 are going to appear before you are advocates for the parties
11 that they represent, but first and foremost, they are
12 officers of the court, sworn to uphold the integrity and
13 fairness of our judicial system. And you should expect them
14 folks to be professional, competent, and ethical in their
15 representation of their client's interest.

16 You also have taken an oath and are expected to be
17 professional, reasonable, and ethical, ladies and gentlemen.
18 Thank you for accepting the important responsibility of jury
19 service and your contribution today to our justice system.

20 Now, what I'm going to say to you folks is
21 intended to serve as an introduction to the trial of this
22 case. And these remarks are not a charge on the law in the
23 case. I will instruct you on the applicable law, later, at
24 the end of the trial, before you retire to the -- to the
25 jury room to determine the verdict. This is merely an

1 explanation of the procedure that we'll follow in the trial
2 of this case, so that you may better understand what maybe
3 happening.

4 Ladies and gentlemen, I want you to know that
5 during the course of this trial I'm going to ask that you do
6 not take notes. I want you to listen, pay your closest
7 attention, oftentimes some folks are better note takers than
8 others, and then becomes the tendency of the battle of the
9 notes, and we're not going to get into that.

10 What I want you to do is, I want you to pay
11 attention, which I know you will, listen, and from there use
12 what your recollections are as to what the evidence was when
13 you ultimately go to deliberate this matter.

14 I want you to know that each Defendant in this
15 matter has been separately and individually charged by the
16 following indictments filed in this court. And remember I
17 told you earlier indictments are not evidence, they're
18 merely the charging documents that get this matter in the
19 courtroom.

20 Each has been charged with murder, conspiracy to
21 commit murder, criminal conspiracy, obstruction --
22 obstructing justice, and destruction, desecration, or
23 removal of human remains.

24 Folks, the elements of each charge, the elements
25 of these will be explained to you later. And, again, the

1 indictments are simply the charge by which the case is
2 brought into court and it is not, in any sense, evidence of
3 any of the allegations it contains. The Defendants have
4 pled not guilty to this indictment. The State, therefore,
5 has the burden of proving each of the elements of the
6 indictments beyond a reasonable doubt. And it will be your
7 duty, ladies and gentlemen, to decide whether the State has
8 met that burden.

9 Your purpose as jurors is to find and determine
10 the facts. You, ladies and gentlemen, are the sole judges
11 of the facts. If at any time I make any comment regarding
12 the facts, you must disregard it. You are to determine the
13 facts from the testimony you'll hear and other evidence
14 introduced in this court. It's up to you to determine the
15 inferences which you feel, ladies and gentlemen, may
16 properly be drawn from the evidence. It's especially
17 important that you perform your duty of determining the
18 facts diligently and conscientiously, because ordinarily,
19 there is no way to correct an erroneous determination of the
20 facts by a jury.

21 On the other hand, with equal emphasis, the same
22 law that makes you the judges of the facts make me the judge
23 of the law. The law as given by the courts is the only law
24 you may consider. You must accept and follow it even though
25 you may disagree with it. I cannot tell you what the facts

1 are ladies and gentlemen and you cannot disagree with me
2 what the about what the law is or should be.

3 Your job is to take the law as I give it to you
4 and apply it to the facts as you find them from the
5 testimony of the witnesses and any other evidence that may
6 be introduced. After doing that you will render your
7 verdict, a verdict under the solemn oath that you just took
8 as jurors.

9 Until I tell you that you may begin to deliberate,
10 ladies and gentlemen, and we talked about this that earlier,
11 until I tell you that you may begin to deliberate, you must
12 not discuss the case with anyone, including your fellow
13 jurors, family, friends, family members, anyone involved in
14 the case. This includes discussions face-to-face, and those
15 by telephone, email, text messages, blogs, any other method
16 of communication. You may not use a computer, cell phone or
17 other electronic device with communication capabilities at
18 any time while in the courtroom or deliberating. During
19 your breaks for meals, if necessary, you may use these
20 devices.

21 However, you may not at any time use these devices
22 to get or send information about the case. This includes
23 information about a party, a witness, an attorney, or a
24 court officer. You may not conduct any research about this
25 case, including looking to news accounts about the case,

1 research on a topic raised, any topics you think would be
2 helpful in deciding the case, or any testimony presented by
3 witnesses. Right here from the witness stand, exhibits,
4 that's where you get the evidence, not from outside sources.

5 Ladies and gentlemen, during the trial do not
6 read, listen to, or watch any news reports about this case.
7 And I don't know that there's going to be any, but I've got
8 to instruct you not to do that. This includes anything,
9 ladies and gentlemen, that may be in the newspapers,
10 internet, radio, or television, you must not consider
11 anything you may have read or heard about this case outside
12 the courtroom whether before or during the trial. After the
13 case is submitted to you, you must discuss only in the jury
14 room with your fellow jurors.

15 The attorneys and parties in this case have been
16 advised that they are not to talk to you at all. So if you
17 see anyone involved in the case and they don't even say,
18 Hello, they're not being unfriendly, they're just following
19 my instructions.

20 It's important that you keep an open mind and not
21 decide any issue in this case until all of the evidence has
22 been presented, the parties have made their closing
23 arguments, I've instructed you on the case law. It's your
24 solemn duty, it's your responsibility to determine, ladies
25 and gentlemen, whether the State has proven the Defendants

1 guilty beyond a reasonable doubt. And your verdict must be
2 based solely on the evidence as it is presented to you in
3 this trial and on the law as I instruct you during and at
4 the close of the trial.

5 In just a moment, the Solicitor will make what's
6 called an Opening Statement, in which the Solicitor will
7 explain to you the issues in this case, at least what the
8 Solicitor thinks the issues in this case are.

9 And then the attorney for the Defendants -- or
10 attorneys for the Defendants may also make opening
11 statements, although, they're not required to do so. What
12 the attorneys tell you, ladies and gentlemen, during their
13 opening statements is not evidence, it's only their
14 contention as to what the issues are or may be.

15 The evidenced in the case, again, ladies and
16 gentlemen, will be presented to you by the testimony of
17 sworn witnesses from the witness stand and/or exhibits that
18 maybe introduced into evidence from time to time during the
19 trial. All right.

20 Now, ladies and gentlemen, you may hear one of the
21 lawyers say something like, Your Honor, I believe we have a
22 question of law or a matter to discuss with you or, Your
23 Honor, may be approach the bench or sometimes I might find
24 it necessary to excuse you from the courtroom for a short
25 period of time while the attorneys and I can discuss the

1 matter of law. And the reason for that, ladies and
2 gentlemen, is because you're the judges of the fact. And in
3 some cases, occasionally, when I am discussing a matter of
4 law with the attorneys, it may be necessary for me to make
5 some comment as to the facts in connection with a ruling or
6 whether or not a particular law applies.

7 I'm not supposed to tell you what I think the
8 facts are, so I will excuse you from the courtroom while
9 these discussions take place so that in no way you will be
10 influenced by anything that I might say or do in connection
11 with the facts.

12 In determining what the facts are in this case,
13 you must find the facts in this case, you must decide
14 whether or not the testimony of a witness or witnesses are
15 believable. It will be your responsibility to rule -- it
16 will be my -- excuse me. It will be my responsibility to
17 rule as a matter of law as to whether certain testimony is
18 admissible at all or not.

19 But once the testimony is admitted, whether or not
20 you believe it, is solely for your determination in deciding
21 whether to believe a witness. You have a right to consider
22 the interest giving a witness, the opportunity for the
23 witness to have seen the matters, and things about which the
24 witness may testify, and the way the witness acts on the
25 witness stand. You have a right to consider anything that

1 is in the record that will help you evaluate the testimony
2 of the witnesses.

3 That means it's your duty, ladies and gentlemen,
4 to pay close attention to these witnesses, to observe the
5 witnesses, to listen to the witnesses. And to pay close
6 attentions to the attorneys and the Court.

7 Please do your best not to let your thoughts
8 wonder, but to give strict attention to the testimony in
9 this case, so that at the end all of the testimony, after
10 the arguments of Counsel, and the charge on the law by the
11 Court, you will then be in a position to determine what the
12 facts are and apply the law to those facts and thus render a
13 verdict.

14 It's your duty, Mr. Foreman, to preside in the
15 jury room and to be the jury spokesman here in court. It
16 will also be your duty to write on verdict, but I will give
17 you further instructions about that at the conclusion of the
18 case, sir.

19 In order to preserve everyone's rights, I will
20 give the parties an opportunity to object to anything that
21 I've said as it relates to my opening instructions.

22 Any exceptions or additions from the State
23 concerning the opening instructions?

24 MS. RICHARDSON: No, Your Honor. Anything from
25 the Defendant Rhue Sr.?

1 MR. HAZZARD: No, Your Honor. But we do have a
2 matter of law to take up outside of the jury before the
3 opening statements.

4 THE COURT: Okay. Anything -- anything from
5 Defendant Rhue Jr.?

6 MR. VOIGT: No, sir.

7 THE COURT: All right. Anything, Counselor --

8 MR. EDGEWORTH: No, Your Honor.

9 THE COURT: -- from Ms. Rhue?

10 All right. I've been instruct -- I've been
11 informed, ladies and gentlemen, there is a matter we're
12 going need to take up, hopefully very quickly, outside your
13 presence. And so if you would excuse us for one moment --
14 and if you could take them back to the jury room -- I'll get
15 you back in here as soon as I can. Thank you.

16 (WHEREUPON, the jury exited the courtroom at 2:31
17 p.m.)

18 THE COURT: Yes, sir, Mr. Hazzard.

19 MR. HAZZARD: Thank you, Your Honor, may it please
20 the Court.

21 When we did the virtual hearing, as the Court
22 recalls, one of the main matters that was brought up was a
23 motion by Mr. Voigt regarding excluding the results of the
24 search warrants. I joined in on the motion, as I believe
25 did Mr. Edgeworth.

1 My understanding is, in order to protect the
2 record, since that was a preliminary ruling that once the
3 trial begins, the motion has to be, you know, remade during
4 the trial itself. And I did not want to wait until the
5 State got up and got into their opening where they may want
6 to mention items that were recovered and then have to jump
7 up and object.

8 So, for the record, I am renewing my motion to
9 exclude items seized pursuant to Search Warrants 1, 2, and
10 3, as were previously ruled upon by the Court during the
11 virtual hearing.

12 THE COURT: All right. Anything from the State
13 concerning that?

14 MS. RICHARDSON: Your Honor, I don't believe
15 anything has additionally has happened in pretrial hearings,
16 but I believe Mr. Hazzard is correct that it needs to be
17 just --

18 THE COURT: Okay.

19 MS. RICHARDSON: -- reiterated by the Court and it
20 is something that the State would be bringing out in opening
21 statements.

22 THE COURT: All right.

23 MS. RICHARDSON: I don't think anything has
24 changed in that regard.

25 THE COURT: And I recollect that was 1 and 2, but

1 3 cured -- as far as the Court was concerned 3 cured
2 everything. Is that -- is that --

3 MR. HAZZARD: That was my recollection of the --

4 THE COURT: -- that's your understanding of what
5 my ruling was, correct?

6 MR. HAZZARD: Yes, sir.

7 THE COURT: All right. Yes, sir.

8 MR. VOIGT: Yes, Your Honor, I believe that for
9 the purposes of the State's opening I will join in
10 Mr. Hazzard's objection.

11 However, I think our case law in South Carolina
12 follows what, frankly most states of kind of gotten away
13 from, which is contemporaneous objections. And I believe I
14 can renew this motion once the State puts on their
15 testimony. And if it is as good as I think it's going to be
16 I probably will.

17 So I may still be objecting throughout based on
18 that and I'll say something like, Pursuant to my previous
19 objection. I'm not -- I'm not going to, you know, ring a
20 bell and stop -- stop the proceedings. But I think I may
21 have to object when certain officers testify to preserve the
22 record the way I'd like it preserved.

23 THE COURT: All right. Yes, sir.

24 MR. EDGEWORTH: Yes, Your Honor.

25 And I also would be renewing my objection as

1 previously ruled upon. But for the purposes of the trial
2 for the record here today on behalf of Ms. Rhue.

3 THE COURT: All right. Anything further from the
4 State before we bring the jury in?

5 MS. RICHARDSON: No, Your Honor.

6 THE COURT: Anything further from the Defense,
7 Rhue Sr.?

8 MR. HAZZARD: No, sir.

9 THE COURT: Jr.?

10 MR. VOIGT: No, sir.

11 THE COURT: Ms. Rhue?

12 MR. EDGEWORTH: No, sir.

13 THE COURT: All right. Let's get the jury in
14 here, please.

15 (WHEREUPON, the jury entered the courtroom at 2:36
16 p.m.)

17 THE COURT: Ladies and gentlemen, again, from time
18 to time there's going to be matters that's got to be taken
19 up outside of your presence. And I've explained to you just
20 moments ago as to why that is.

21 And so at this time I would ask that you give your
22 attention to the State and Solicitor Richardson.

23 MS. RICHARDSON: May it please the Court.

24 THE COURT: Yes, ma'am.

25 OPENING STATEMENT ON BEHALF OF THE STATE

1 MS. RICHARDSON: We've all heard the saying, the
2 phrase, blood is thicker than water. And that is something
3 that you will see in this trial. Blood is thicker than
4 water. These defendants are related by blood. Mr. Alex
5 Rhue Sr. is the father of Alex Rhue Jr. and Tiesh Rhue.

6 Tiesh Rhue was married to Leon Harrison Jr. His
7 friends and family affectionately called him JR. They were
8 married, they had been married for about three years. And
9 unfortunately you won't get to see JR the way that he was.

10 JR was 32 years old. He's a son, his father is
11 seated on the front row. A brother, a big brother, a
12 nephew, a father to two children. He was a husband. He was
13 also a boyfriend. And that plays a big role in why we are
14 here today.

15 This family is charged in the murder of JR.
16 They're charged with conspiring to murder him and they are
17 charged with desecrating his remains, destruction of his
18 remains, of his body. They are also charged with conspiring
19 to do that. And obstructing justice in the investigation of
20 his disappearance and of his murder. Those are the charges.

21 You will hear testimony that JR had a lot of
22 people that cared about him. But unfortunately he was a
23 little bit from here to there. The last time that he was
24 seen was February 25th, 2017. He had been to a birthday
25 party earlier that week for his little brother, Shaheem. He

1 had been with his girlfriend. And then he was with his
2 wife. And that's the last that we hear of him being seen
3 alive.

4 Now, unfortunately JR and Ms. Rhue had, obviously,
5 a rocky marriage, had a lot of problems. I already told you
6 he had a girlfriend, but there were more problems than that.
7 There were problems with money, problems regarding his child
8 support, income taxes, and things of that nature. They had
9 separated, sort of on and off. It was about time to call it
10 quits and then they would be drawn back together.

11 Ms. Rhue had gone out of town the week -- this is
12 going to be a Saturday night that we're talking about, she
13 had gone out of town that week, had gone up to D.C. She has
14 children -- they do not have children together, but she has
15 children and they had gone up there to see some family up
16 there. While she was gone, there had been, you know, some
17 back and forth, JR was with his girlfriend.

18 Now, at this time had a good job, it was at PCL
19 Construction. And many of you may remember, back in 2017,
20 and if you've ever had to drive 701, you would definitely
21 know from Georgetown to Conway, the bridge. He worked on
22 the bridge with PCL Construction at that time, a good job.

23 They, JR and Tiesh, when they were married had --
24 were married, they had rented a house here in the city
25 limits of Georgetown, actually not very far from the

1 courthouse on Highmarket Street. It was a rental. He had
2 rented it from the Huells, who owned the house and had
3 remodeled it previously to be a rental property.

4 On February 25th, he left his girlfriend, seen
5 some of his family and went to meet his wife. He was not
6 reported missing until March 9th. You'll hear that she says
7 they got into an argument because he was texting with the
8 girlfriend and that he just left. And she hasn't seen him,
9 couldn't get in touch with him, and he just does this kind
10 of thing.

11 She didn't report him missing. His daddy hadn't
12 seen him. But, you know, again, he was kind of back and
13 forth. The mother of his children started getting
14 concerned, because he kept in touch with his children.

15 But, a friend, and someone that Alex Rhue Jr.
16 worked with sometimes, sort of got the ball rolling. There
17 were some statements that were said to him that gave him
18 some concern. So he started calling the family. And this
19 was on Monday, March 6th. At this time he -- the last time
20 anybody had seen him it had been over a week. Have you seen
21 your brother? You better check on him.

22 So there were three brothers and some uncles,
23 cousins, that sort of thing, so everybody kind of started
24 getting together, Have you seen him? Have you seen him? No
25 one had seen him. Based on the information that they had

1 learned, they were looking for him themselves. They did not
2 go to the police, initially. They were looking for him
3 themselves.

4 They went out to the river, out in what we call
5 the Oakland Community off 51 and that area out towards the
6 Detention Center. And a property owner there actually
7 called 911 and said, Somebody is out here looking for a
8 body. The next day his father and the mother of his
9 children filed a missing persons report, the next day after
10 people had already been looking for the body, based on
11 conversations that had been had with Alex Rhue Jr.

12 So what did the police do? Well, let's figure
13 this out. Let's -- you know, they didn't know what had
14 happened to him. Let's figure this out. So they go, of
15 course, to the wife. She's at work, they go to her. She
16 tells them she got in a fight, you know, got in an argument,
17 he was gone, she hadn't seen him since.

18 And then they start getting some more information.
19 Well, this is a little unusual for him. Like he is a little
20 from here to there, and from this -- from the girlfriend to
21 the wife and, you know, from the daddy to the uncle, but
22 people should have heard from him.

23 They talk to the girlfriend. She says, Yeah, the
24 wife called me from his phone, from his cell phone, and gave
25 it -- gave it to me. And then there's another recording

1 that you can hear some noises in the background, and you'll
2 be able to hear that gave -- that happened right after those
3 voice mails and the phone call to the girlfriend. The wife
4 says, I hadn't -- I don't know, he just left. We've had
5 problems, he just left.

6 The police go to their house, this rental house
7 that they had from the Huells, they go to the house. And
8 what do they find? They find, in this rental house,
9 sections of the carpet that are cut out. First one and then
10 later another, in the bedroom, in Tiesh Rhue's bedroom. One
11 in one area of the room and one in the other. Covered with
12 a rug, covered with a blanket. One of them is covered with,
13 like, a tote, like a Rubbermaid or type-thing full of stuff.

14 Carpet is missing. A big old square, you'll get
15 to see it, a big old square is cut out. Carpet fibers
16 laying around it. And in the corner a brownish-red stain.
17 On the other one a brownish-red stain. They test it, with
18 the little kits, the little field tests they have, pops back
19 for blood. They cut away that padding and the subfloor, the
20 plywood, is soaked through. Now, one spot is smaller and
21 one spot is larger, soaked through. Test one of them,
22 little field test, positive for blood.

23 Still no sign, no hide, nor hair of JR. The very
24 next day, the very next morning, a man who lived on the
25 Black River out 15 or 20 miles from here, off of 51, is

1 doing some yard work and what does he see? A body floating
2 in the Black River. He calls the sheriff. They come out.
3 They recover the body. It is desecrated. It has
4 decomposed. And it shows signs of injuries that may be from
5 things that swim in the Black River. It is not a pretty
6 sight. It is desecrated.

7 You cannot look at him and tell who he is, not
8 from his face. You can't. And what else to they find? He
9 is bound. Bound. Hand and foot. Tied up to the point that
10 it's almost cutting into the flesh of his hands with speaker
11 wire, hand and foot. They identify him based on a tattoo
12 that he had on his arm for his deceased mother. That's how
13 he is identified, by the tattoo. His remains were
14 desecrated.

15 So then they begin looking into other things.
16 Well, whose blood is this? And you'll hear about the
17 testing they did to find that his profile is the one in the
18 blood, or in the carpet padding. And also some smears on
19 the wall and those sorts of things. There's some blood on
20 the sheets. And you'll hear about whose that was. But him,
21 at least in one sample, and partially in the other sample on
22 the floor.

23 So even before they had found the body, of course
24 they're like, Where were you? You know, Who was home when
25 he went missing? Let's just try to figure all this out.

1 She's says, I was home. I don't know nothing about nothing.
2 I was upset. I took some tequila shots. I went to sleep,
3 this was upsetting to me. Her daddy said he's at home,
4 because he lives with them too. And the brother says he was
5 there.

6 Of course, they get phones and phone records and
7 that sort of thing. And guess what, they weren't all home
8 all night. They weren't all home all night. They lied.
9 They didn't tell the truth. Obstructed justice in the
10 investigation of this case.

11 Now, her phone shows she was at home, but where
12 did daddy and brother go? Where did daddy and big brother
13 go? Walmart. And what did they buy at 1:00 o'clock in the
14 morning at Walmart? Peroxide. Hydrogen peroxide.

15 You will hear from phone experts who will explain
16 to you how they can tell periods of phone activity that show
17 they took some of the same actions on their cell phone that
18 night to conceal their whereabouts.

19 And I will tell you this, this is not a case where
20 we can say he was stabbed, he was shot, we can't say how he
21 died, because it was being hidden, it was being hidden. He
22 was in the water for two weeks. But what we can show is, he
23 died at the hands of another, and because of the way he was
24 bound. And there are injuries to his body, but because of
25 the time in the water it's difficult to say what occurred

1 when.

2 And this is not a case where the crime is on video
3 or somebody says, Hey, I did it. And, obviously, the State
4 does has the burden of proof. So what you will hear are
5 bits and pieces. And I will tell you some of it going to be
6 aggravating. We have to show every step of this blood train
7 and who took what sample where. We had two different labs
8 testing it. So you're going to hear a lot about how that
9 was compared and how it was -- how it was traced. You're
10 going to hear about all of that. And you're going to hear
11 from the phone experts and how they sort of put their
12 information together.

13 What you'll also hear is efforts to cover this
14 crime up. Deceit, lies to the police, and cleaning of the
15 crime scene. Blood is thicker than water. They stuck
16 together. They stuck together. But fortunately blood, at
17 least some of it, was thicker than the water and the agents
18 that they used to try to clean it up.

19 And at the end of this case I want you to look at
20 all of the evidence and the motive and how things transpired
21 and the ways that were -- that the defendants used to try to
22 hide and cover their tracks. And come to the conclusion
23 that they, this family, murdered Leon Harrison Jr.,
24 obstructed justice in the investigation, and desecrated his
25 body so that his family couldn't even have that closure.

1 Thank you.

2 THE COURT: Thank you, Solicitor.

3 Mr. Voigt.

4 MR. VOIGT: May it please the Court?

5 THE COURT: Yes, sir.

6 OPENING STATEMENT ON BEHALF OF ALEXANDER RHUE JR.

7 MR. VOIGT: Ladies and gentlemen, thank you.

8 You have been told that this is a serious case, it
9 sounds serious. What happened to Leon Harrison Jr., JR,
10 sounds terrible. This is a deeply unserious case brought to
11 you by deeply unserious people who have not thought out the
12 consequences of their words or their actions and they want
13 you to fix it for them.

14 I will not be mincing words. I will not be
15 polite. I will be angry. I will try to be professional. I
16 will try to be cordial. But I will boil with anger for the
17 entire time that you see me. Because what is happening in
18 this courtroom should appall you, and it will appall you.

19 I'm here to give you a lens through which to view
20 this case. You have heard a story, it even has a theme.
21 It's a cliché. There was one sentence in that opening
22 statement, one sentence, it's a throwaway line, and it's the
23 most important sentence that the Assistant
24 Solicitor uttered, Of course, we have the burden of proof.

25 Now, at the end of this case the Court's going to

1 read you the law and you're going to know what the burden of
2 proof is, but I guess I'll tell you now, because they just
3 wanted to throw that out there like everybody knows that.

4 There are four different crimes, each of which
5 have multiple elements. So expand the file out. Each and
6 every element must be proven to your satisfaction beyond a
7 reasonable doubt, the highest legal standard. Of course, we
8 have the burden. Ha-Ha.

9 A guilty verdict is a destination. That the
10 State -- the State would like to lead to there. Would like
11 you to gather there in the circle and find these three
12 individuals -- but most importantly, for me, Alex Rhue Jr.,
13 guilty of what they charged him with. That's the
14 destination, that's where they'd like us to go. And this
15 trial is the journey. The evidence represents -- this is a
16 bridge across a chasm, we have to get to the other side.

17 You've seen, like, in Indiana Jones and some of
18 those movies, those little rope bridges that look kind of
19 tricky and you've got to put one foot on one thing, and then
20 slide down. The State tells you, That bridge is perfectly
21 safe and sound. Head on over to the other side. It's not.
22 You can't get there, because there's not enough evidence,
23 because the State has to prove each and every element.

24 And when I told you this was a lens through which
25 to view things, and that's what I'm trying to do for you, at

1 some point every time a witness says, It's got to be a --
2 whatever -- Well, they had to have -- Well, of course, they.

3 You know what that is, that's a marker were
4 evidence should be, but isn't. That's an assumption.
5 That's a presupposition. That is a guess. A hunch. A
6 theory. And it's not evidence.

7 And this is what you're going to get. You're
8 not -- for example, the body was desecrated. Desecration
9 has a legal definition in our law. It has a practical
10 definition. It is actually a verb. You must do something.

11 If I leave a pumpkin on my front porch, and all
12 the way through November it rots and eventually it collapses
13 in on itself, I have not desecrated it. If crops are left
14 in the field, they're not desecrating if they spoil.

15 Someone put Mr. Leon Harrison Jr. in or near the
16 river. You will not hear who that person was. You will not
17 hear who bound him. You will not hear how he was driven.
18 You will not hear how he was conveyed to that place. You
19 will hear no evidence whatsoever about what happened when he
20 got there. You will receive no evidence whatsoever that he
21 was desecrated in any way. That does not erase the tragedy
22 of what happened to him. But it makes it not a crime for
23 this individual, because they can't get across the bridge.
24 They can guess, but they cannot get there. You will not
25 ever know who bound Mr. Harrison. You will not ever know

1 how he died.

2 Many years ago there was a great Russian mystic
3 who was accused of whispering into the Royal Family, the
4 Czar of Czarener's ears and ruining Imperial Russia. And so
5 a bunch of nobles decided to get rid of him. And they
6 poisoned him and that didn't work. And then they shot him
7 and that didn't work. And then they stabbed him and that
8 didn't work. And they rolled him in an expensive carpet and
9 through him into the Nevka River, and he didn't drown, he
10 died of exposure. That's Grigori Rasputin.

11 It is just as likely that Leon Harrison Jr. died
12 of natural causes as died of homicidal violence, whatever
13 that means, just as likely, because they don't know and no
14 one will say. Because the people who do know, the people
15 who are experts and trained in this sort of thing, they will
16 not say things that they cannot back up that they can prove.

17 Lawyers, we do that sort of stuff all the time,
18 but the expert that you're going to have to hear from that
19 you're going to rely on can't do that. The reason why it
20 was ruled a homicide, is because to bound someone's hand and
21 feet, is indeed very unusual and is associated with
22 homicide, yes. But who did it? You'll never know. You'll
23 never know. Beyond a reasonable doubt.

24 So -- and we haven't even gotten to this point,
25 but I'm assuming we're going to go Victor versus Nebraska,

1 it's the kind of doubt that would cause a reasonable person,
2 i.e. you, would -- the kind of doubt that would cause you to
3 hesitate to act. Hesitate to go, Oh, he did it, or she did
4 it, or he did it. We don't know how he died. We don't know
5 how he got to the place where they found him.

6 There's a story about what happened in the house
7 on Highmarket and it's a story, because we don't know what
8 happened there. It had to have happened this way. It must
9 have happened that way. That's not evidence, that's
10 conjecture.

11 This case is going to convince each and every one
12 of you of one thing, not that Alex Rhue did anything --
13 committed any crime, you're not going to ever get there,
14 okay. It is going to convince you how easy it is for
15 well-intentioned government servants to put a person's life
16 on the edge of a cliff with only a jury to snatch them from
17 the precipice.

18 How easy it is to take the absence of knowledge,
19 the absence of evidence, and whip it into a frothy foam of
20 injustice, whereby, they can tell you, It must have been
21 them, who else would it have been? Somebody said something
22 mean to him six months earlier, it had to be him it's
23 motive.

24 Oh, that's another thing, we didn't dwell too much
25 on this, maybe we'll get through it a little bit. If you're

1 a fan of English crime procedurals -- and I -- so if you
2 watch too much PBS, motive is a real big thing. All right?
3 We're going to -- you know, The Why. And we're going to
4 concentrate a little bit on The Why, and then compare it to
5 real motive.

6 Now, you're going to hear at the end that statute
7 involving murder, which is the codification of the common
8 law and South Carolina leaves out some elements that some
9 other states left in. But on the murder statute, the law
10 that the Judge is going to give you is real simple, it
11 doesn't have the word "Motive" in it, The Why doesn't
12 matter, it's, The How. The How is what matters. We don't
13 know how he died. We don't know how he got anywhere.

14 If I object too much during this trial, and you
15 get mad at me for slowing it down, because, yes, it slows it
16 down, please do not hold it against Alex Rhue Jr., you can
17 hold it against me. I'm going to do this my way for him.
18 But mark that point in the presentation of the State's case
19 where you start to go, Hum, is that all they have? Wait a
20 second, that's a leap of faith. That's a -- there's a gap
21 there where evidence should be. Wait, we're almost done,
22 aren't they going to show me something? Aren't they going
23 to show me something that matters? Let that little bell go
24 off in your head when you start to get angry.

25 Theories aren't evidence. Guesses aren't

1 evidence. Hunches aren't evidence. You know what is
2 evidence? Evidence. You're not going to hear it. You're
3 going to hear things that sound like evidence. You're going
4 to hear people who have credentials that make them sound
5 important like they have real jobs. And they're sincere and
6 that's what makes that much more dangerous to my client's
7 liberties, because they're sincere and they're wrong and
8 they're dishonoring the memory of the man who died. This is
9 a dishonor. This is a disgrace. Thank you.

10 THE COURT: All right.

11 MR. EDGEWORTH: Thank you, Your Honor.

12 THE COURT: Yes, sir.

13 OPENING STATEMENT ON BEHALF OF TIESH RHUE

14 MR. EDGEWORTH: I'm guessing I get to go second,
15 because I didn't wear the right color of tie. But I'm glad
16 I'm going second, because I'm going to tell you about the
17 second most important thing that the State kept on talking
18 about. That they kind of fluttered by when they were
19 talking in the opening.

20 You heard about the burden of proof, but what
21 about the little things like, Mr. Harrison was back and
22 forth. Again, he was back and forth. He was here and
23 there.

24 Well, the State has glossed over the point,
25 because they want you to ignore it and they want you to

1 believe, as you just heard, that there is this motive. This
2 motive involving my client, Ms. Tiesh Rhue. She was the
3 wife of Leon Harrison.

4 No one's ignoring that it wasn't a little bit of a
5 rocky relationship, but as you'll hear, that's just the way
6 it rolled. She has five children. Five children and she
7 has a job. She had a job at the time. Worked very hard to
8 provide for her family. And as you've already heard, her
9 brother and her father lived with her.

10 And the back and forth component that you don't --
11 that the State doesn't want you to know is that sometimes
12 Mr. Harrison was there and sometimes he wasn't. Well, why
13 wasn't he not there? Sometimes he was with another woman,
14 also, as constituted here, the girlfriend, but as you'll
15 hear, Ms. Rhue, she knew about all of this.

16 In fact, sometimes she would have another
17 relationship. They both knew this, this was nothing new,
18 but the State wants you to believe that all of a sudden this
19 became a big deal. And while there may have been an
20 argument, that was nothing new either.

21 So, now, this one argument on this one day has now
22 become what the State is going to want you to believe to be
23 the motive for a murder. They want to call it a murder.
24 And they want to blame the fact that Ms. Rhue did not report
25 him missing. That's the reason why they keep on calling it

1 back and forth. Here and there. Because they know that's
2 what he does. They don't want it to sound like a big deal,
3 but it wasn't a -- excuse me, they want it to sound like a
4 big deal, but it wasn't a big deal.

5 You will hear, He leaves all the time. You'll
6 hear that she left to go to Washington so that her children
7 could see their dad, while Mr. Harrison stayed back and
8 watched the dogs. But they want you to make that leap that
9 this somehow becomes a murder and furthermore a conspiracy
10 amongst the family, when really it was nothing new. Same
11 old, same old. Happened many times before and still came
12 back.

13 So when, on that particular night, he left, we
14 don't know where he went. We know that a few weeks later he
15 was found dead. That's all we really know. So don't let
16 them fool you when they gloss over some of these things.
17 When you hear the kind of tone go down a little bit and they
18 say little comments like that, that's because they don't
19 want you to pay attention to it. Those are the points that
20 are important. Those are the points that you'll want to pay
21 attention to from the evidence and testimony.

22 THE COURT: Mr. Hazzard.

23 MR. HAZZARD: May it please the Court.

24 THE COURT: Yes, sir.

25 OPENING STATEMENT ON BEHALF OF ALEXANDER RHUE SR.

1 MR. HAZZARD: Good afternoon, ladies and
2 gentlemen. Pardon me.

3 February 25th, 2017, was like any other day for
4 Alexander Rhue Sr. He's a father. He's a grandfather. A
5 regular guy. On this day, one of the things he did at about
6 five minutes to 6:00 p.m., is he called his son-in-law, Leon
7 Harrison Jr., and he said, Do you need a ride home from work
8 at PCL, working on the bridge on 701 between Georgetown and
9 Conway? And Leon said, No, somebody else is coming to pick
10 me up, I'm good. But that's the guy the State wants you to
11 believe murdered him, tied him up, and dumped him in the
12 river later on that night.

13 So, talks to his son-in-law, son-in-law says, No,
14 I'm good. Again, the day is a normal day, because Sr. does
15 what he always does. And as you've heard mentioned, his
16 daughter, Tiesh, has five children. Those kids get off the
17 bus, she works, as you will hear, evidence and testimony
18 will tell you, from approximately 2:00 p.m. to 10:00 p.m.,
19 as a security guard and somebody's got to be there for the
20 kids.

21 His schedule is very flexible, because he is self
22 employed, he does flooring. So, gets off a little bit
23 earlier, kids get off the bus, he's there at her house to
24 watch the kids until she gets off at work at 10:00 o'clock,
25 every day. That's what every day is like. On this

1 particular day, he's there with the kids, because she's got
2 to go to work.

3 Now, I guess from what the Prosecution said, the
4 State's theory is that Leon Harrison Jr. went over to the
5 house on Highmarket Street, that Ms. Rhue got off from work,
6 that they had some kind of incredible huge fight, and then
7 somehow Grandpa, son and daughter -- I don't know, I guess
8 there's -- I guess they're saying they killed him. And I
9 guess they're saying they somehow subdued him, killed him,
10 and dragged a 200-plus-pound man's body out of that house
11 with five children in there. Five children, they're in
12 there. They aren't anywhere else.

13 So when they bring you this story, keep that in
14 mind. I'm assuming that's what -- I've been doing this over
15 30 years, I have never in my life given an opening statement
16 where I couldn't even figure out what truly the State's
17 theory of the case was on the day of trial. But I'm
18 guessing that's what they're telling you. That there was a
19 big fight, these three people jumped on Mr. Harrison, beat
20 him down, tied him up, dragged him out of the house. I
21 guess they left the kids -- in front of five children and
22 then drove him 20 miles to the Black River.

23 Well, let's back up on that, because the
24 Prosecutor did mention that Mr. Harrison's family members
25 were out looking for him by the river before his body was

1 discovered. Now, what's the significance of that and where
2 I can't really get it?

3 Again, if their theory is these three people did
4 this to Mr. Harrison Jr. and no one reported him missing
5 until, I think it was March 9th or March 10th, exactly why
6 are these family members looking for him on the Black River
7 on March 8th? What do they know about what he, Mr. Harrison
8 Jr., may have been doing. And they want to make this big --
9 I think the Prosecutor started out by saying that
10 Mr. Harrison Jr. went over to the house and that's the last
11 time he was ever seen or heard from.

12 Well, I'm here to tell you folks, there is
13 something else. Because when they get around -- evidence
14 and testimony will show, when they get around to looking at
15 Mr. Harrison Jr.'s phone records, what the State says is:
16 The last call he is known to have made and known to have
17 received is from a man named Luis Flores. And when they go
18 talk to Luis, what does Luis say?

19 MS. RICHARDSON: Your Honor, objection.

20 THE COURT: All right. Approach.

21 (WHEREUPON, a bench conference was had.)

22 THE COURT: All right. Go ahead and proceed, sir.

23 MR. HAZZARD: Thank you very much, Your Honor.

24 I will move on from the phone call that was made
25 and received at this point.

1 One of the things I also find interesting about
2 this is, I'm assuming the evidence and testimony will be,
3 that Mr. Harrison Jr.'s body was found what is called, or
4 what is known as, Colonel Cole Drive. And if you're
5 familiar with going out on Highway 51, I think it's the
6 health center or YMCA is on the left, and if you go a little
7 farther down, the Detention Center is on the right, and if
8 you stay on highway 51, eventually, I believe you end up in
9 Kingstree.

10 After you pass the Detention Center, I think it's
11 about two-and-half miles or thereabouts, there is this small
12 sign on this dirt road. The sign says C-O-L, period,
13 C-O-L-E, D-R, Colonel Cole Drive. If you don't know where
14 it is, you will drive right past it and never know.

15 So as we go through this ask yourself how
16 Mr. Harrison Jr. ends up, up there in this area that is
17 known to very few people. But I will tell you also what is
18 just past Colonel Cole Drive, is a bar/nightclub called the
19 Riverview Club. A place that I think might have speaker
20 wire, I don't know.

21 But anyway, they talk about him being bound hand
22 and foot. What the Prosecutor didn't mention is that no
23 speaker wire matching the speaker wire was found in
24 Ms. Rhue's residence.

25 Why were they looking up there on that day?

1 Alexander Rhue Sr. didn't kill anybody. He didn't
2 participate in moving a body. He didn't participate in
3 desecrating a body. He didn't do anything.

4 So please listen very carefully to the testimony
5 and the evidence that is submitted for your consideration.
6 And we're going to talk about this again and you will see
7 that I am right. Thank you for your time.

8 THE COURT: All right. Thank you, Mr. Hazzard.

9 Solicitor, you ready to call your first witness?

10 MS. SMITH: Yes, Your Honor. Can you give me one
11 second to get my witness?

12 THE COURT: Sure.

13 MS. SMITH: Your Honor, the State calls Traci
14 Williams.

15 THE COURT: All right.

16 TRACI WILLIAMS, having been duly sworn,
17 testified as follows:

18 THE WITNESS: Traci Williams.

19 DIRECT EXAMINATION

20 BY MS. SMITH:

21 Q. And Mr. Williams, where are you currently
22 employed?

23 A. With Shimmick Construction, Chattanooga,
24 Tennessee.

25 Q. And what is that?

TRACI WILLIAMS - DIRECT BY MS. SMITH

1 A. We're building a lock at the dam, Chickamauga Dam.

2 Q. So what exactly do you do for a living?

3 A. I'm a superintendent for infrastructures, heavy
4 civil, build bridges, locks, dams.

5 Q. And how long have you been doing this line of
6 work?

7 A. Thirty-eight years.

8 Q. What type of companies -- have you worked at
9 several companies throughout the years?

10 A. Yes. I've forked for, I say, a lot of big boys,
11 Granite, Orian, American Bridge, the big companies that do
12 bridges across the country.

13 Q. Okay. Back in February, 2017, were you working
14 for a company called PCL?

15 A. I was.

16 Q. Okay. And what was your job title at PCL?

17 A. I was a superintendent over the construction, the
18 subcontractor, the carpenters, the concrete guys, and the
19 assistant to the project superintendent.

20 Q. Did you know the victim, Leon Harrison Jr., in
21 this matter?

22 A. I did, yes.

23 Q. How did you know him?

24 A. He was an employee of mine. In my crew, I should
25 say, not mine, the company.

TRACI WILLIAMS - DIRECT BY MS. SMITH

1 Q. Was he an employee on your crew in February of
2 2017?

3 A. Yes.

4 Q. Okay. And was he a good employee?

5 A. Yes. A real good one.

6 Q. Did you have to write him up for being late?

7 A. No.

8 Q. Okay. Did he work often?

9 A. Yes. He was there every day. He was a good
10 employee. A hard worker.

11 Q. Now, as his supervisor, or the superintendent,
12 would you have logged his hours or recorded the hours that
13 he would have worked?

14 A. Yes.

15 Q. Okay. And how do you do that?

16 A. The time sheet, time card that we turn in. All of
17 my employees are on a time sheet and we put how many hours
18 they work each day and we put a cost code on where their
19 cost code goes, you know, how to track their hours.

20 Q. Okay. So silly question, but can we break down
21 what exactly what a time sheet is and what a time sheet for
22 PCL would have been?

23 A. It would have their name, the employee's name on
24 one side, it would have up on top, it would have the cost
25 codes on top, where he worked, if he worked on columns or

TRACI WILLIAMS - DIRECT BY MS. SMITH

1 caps or girders, there would be a cost code of about 10 or
2 12 numbers, and then it would have hours and then total
3 hours at the end. He may work two hours here, two hours
4 there, four hours there, total of eight.

5 Q. And when were these time cards, time sheets,
6 filled out?

7 A. Daily.

8 Q. Daily. Did you have to sign those time sheets?

9 A. I did.

10 Q. Did you fill them out?

11 A. Yes.

12 Q. Okay. Did they have to be approved?

13 A. Yes.

14 Q. And are time sheets records that are kept in the
15 ordinary course of PCL's business?

16 A. Yes.

17 Q. This is done for every unit?

18 A. Yes.

19 Q. Okay.

20 MS. SMITH: I beg the Court's indulgence.

21 THE COURT: Yes, go ahead. That's fine.

22 MS. SMITH: Your Honor, the State is now
23 pre-marking this as State's Exhibit 11.

24 (WHEREUPON, State's Exhibit Number 11 was marked.)

25 THE COURT: Yes.

TRACI WILLIAMS - DIRECT BY MS. SMITH

1 BY MS. SMITH:

2 Q. Mr. Williams, what am I showing you?

3 A. Time cards.

4 Q. Okay.

5 A. Employee's names and cost codes and hours worked.

6 Q. Are those the time cards that you filled out in
7 February of 2017?

8 A. Yes.

9 Q. And is Leon Harrison a part of your crew during
10 that time?

11 A. Yes, he is.

12 Q. Was his time recorded on those time sheets?

13 A. Yes.

14 Q. Okay. Is your signature on those time sheets?

15 A. Yes, ma'am.

16 Q. And is -- are those time sheets what they purport
17 to be? Have they been changed or altered? I mean, is this
18 what you remember them being?

19 A. Yes.

20 MS. SMITH: Your Honor, at this time the State
21 moves to enter State's Exhibit 11 into evidence.

22 THE COURT: All right. Any objection,
23 Mr. Hazzard?

24 MR. HAZZARD: No, sir, Your Honor.

25 THE COURT: Mr. Voigt?

TRACI WILLIAMS - DIRECT BY MS. SMITH

1 MR. VOIGT: No, Your Honor.

2 MR. EDGEWORTH: No, Your Honor.

3 THE COURT: All right. Thank you.

4 (WHEREUPON, State's Exhibit Number 11 was moved
5 into evidence.)

6 BY MS. SMITH:

7 Q. Mr. Williams, can you turn to February 25th, 2017,
8 on those time sheets?

9 A. Yes.

10 Q. Okay. Did Mr. Harrison work that day?

11 A. Yes.

12 Q. How -- how many hours did he work?

13 A. Eight hours.

14 Q. Okay. And what -- is there an industry standard
15 on if somebody doesn't show up that they're fired?

16 A. Yes.

17 Q. What is that industry standard?

18 A. No show, no call for three days in a row is
19 termination.

20 Q. Okay.

21 A. Standard across the country. Everybody I work for
22 holds that policy in the states.

23 Q. And after February 25th of 2017, did Mr. Harrison
24 come back to work?

25 A. No.

TRACI WILLIAMS - DIRECT BY MS. SMITH

1 Q. Okay. Do y'all work on Sundays?

2 A. No. Not normally, no.

3 Q. So if February 26th was a Sunday, you wouldn't
4 have worked it?

5 A. No.

6 Q. Okay.

7 MS. SMITH: Your Honor, if I may show.

8 THE COURT: Sure.

9 MS. SMITH: May I approach?

10 THE COURT: Yes, ma'am.

11 MS. SMITH: I am pre-marking this Exhibit as
12 State's Exhibit 12. May I approach?

13 (WHEREUPON, State's Exhibit Number 12 was marked.)

14 THE COURT: Yes.

15 BY MS. SMITH:

16 Q. Mr. Williams, I'm handing you State's Exhibit 12.
17 What is that?

18 A. It's an Employee Warning Notice, it's a write-up.

19 Q. Okay. And what does that -- what does that mean?

20 A. If they -- poor work performance, don't show up,
21 stuff like that, we write them up for it. Keep it as a
22 record so we have for terms for termination.

23 Q. And is this one for the victim?

24 A. Yes.

25 Q. Did you do that write-up?

TRACI WILLIAMS - DIRECT BY MS. SMITH

1 A. I did.

2 Q. And did you do that termination form?

3 A. I did.

4 Q. And has it been altered in any way since you last
5 saw it?

6 A. No, ma'am.

7 MS. SMITH: Your Honor, the State moves to enter
8 State's Exhibit 12 into evidence.

9 THE COURT: All right. Any objection,
10 Mr. Hazzard?

11 MR. HAZZARD: No, sir.

12 THE COURT: All right. Mr. Voigt?

13 MR. VOIGT: No, sir.

14 THE COURT: Mr. Edgeworth?

15 MR. EDGEWORTH: No, sir.

16 THE COURT: All right. Admitted without
17 objection.

18 (WHEREUPON, State's Exhibit Number 12 was moved
19 into evidence.)

20 BY MS. SMITH:

21 Q. Mr. Williams, did Mr. Harrison show up to work on
22 February 27th?

23 A. No.

24 Q. Did Mr. Harrison show up to work on February 28th?

25 A. No.

TRACI WILLIAMS - DIRECT BY MS. SMITH

1 Q. Did Mr. Harrison show up to work on February 29th?

2 A. The next day was the 31st.

3 Q. Oh, excuse me.

4 A. I'm sorry.

5 Q. Leap year.

6 A. I'm sorry.

7 Q. Did he show to work on March 1st?

8 A. No.

9 Q. And at that point in time what action did you
10 take?

11 A. I wrote him up and I signed it, and he never
12 showed back up to work to sign it, so he was terminated.

13 Q. Okay.

14 MS. SMITH: Your Honor, excuse me one second.

15 BY MS. SMITH:

16 Q. Was it unusual for Mr. Harrison not to show up to
17 work?

18 A. No. He was there.

19 Q. He was there?

20 A. Yeah. This was his first write-up.

21 Q. And how did employees get paid? Was it...

22 A. They get paid -- when I turn the time cards in,
23 they write a check, if they don't have a bank account, they
24 get a personal check or a check from the company, most of
25 them had direct deposit.

TRACI WILLIAMS - CROSS BY MR. HAZZARD

1 Q. Okay. Okay.

2 MS. SMITH: I beg the Court's indulgence.

3 THE COURT: Uh-huh.

4 MS. SMITH: Your Honor, I've got no further
5 questions. If I may publish these documents to the jury?

6 THE COURT: Yes, ma'am.

7 All right. Mr. Hazzard, any cross-examination,
8 sir.

9 MR. HAZZARD: Yes, sir, Your Honor. Thank you,
10 very briefly.

11 THE COURT: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. HAZZARD:

14 Q. Good afternoon, sir.

15 A. Hi, good afternoon.

16 Q. How did Harrison Jr. get to work every day?

17 A. I have no idea.

18 Q. You don't know how he got to work?

19 A. I don't know how people get to work.

20 Q. You don't know if he drove a car or something
21 brought him?

22 A. I know he was brought to work, yes. Well, I
23 should say, I know he was picked up in the afternoons. I
24 don't know how he got there in the mornings. I was always
25 in the office.

TRACI WILLIAMS - CROSS BY MR. HAZZARD

1 Q. Do you know that normally he was picked up by his
2 father-in-law over there?

3 A. I don't know who it was.

4 Q. Okay. But you know that someone picked him up
5 most afternoons?

6 A. I would leave, he'd be sitting on the corner
7 waiting for a ride.

8 Q. And as a result, someone obviously brought him to
9 work, correct?

10 A. I assume, yes, sir.

11 Q. All right. Thank you. No further questions.

12 THE COURT: Mr. Voigt?

13 MR. HAZZARD: No questions, Your Honor.

14 THE COURT: Mr. Edgeworth?

15 MR. EDGEWORTH: Nothing further, Your Honor.

16 THE COURT: Any redirect?

17 MS. SMITH: No, Your Honor.

18 THE COURT: All right.

19 MS. SMITH: We do ask that Mr. Williams be allowed
20 to step down and that he be released from his subpoena.

21 THE COURT: All right. Mr. Williams, thank you
22 for coming in, you're released from your subpoena.

23 THE WITNESS: Thank you.

24 THE COURT: All right. Solicitor, you can call
25 your next witness?

BRITTANI GREEN - DIRECT BY MS. SMITH

1 MS. SMITH: Thank you. The State calls Brittani
2 Green.

3 THE COURT: Okay.

4 BRITTANI GREEN, having been duly sworn,
5 testified as follows:

6 THE COURT: Ma'am, for the purposes of your
7 testimony, can you pull your mask down? It makes it easier
8 for us to hear and for the Court Reporter to record
9 everything. Okay?

10 THE WITNESS: Yes, sir.

11 THE COURT: Thank you. Please state your name.

12 THE WITNESS: My name is Brittani Green.

13 THE COURT: Your witness.

14 DIRECT EXAMINATION

15 BY MS. SMITH:

16 Q. Ms. Brittani, where are you from?

17 A. Georgetown, South Carolina.

18 Q. And how long have you lived here?

19 A. I was born here. So 25 years -- I mean 32 years.

20 Q. Okay. And where to do you currently live, still
21 in Georgetown?

22 A. Still in Georgetown.

23 Q. Do you know the victim in this case, Leon Harrison
24 Jr.?

25 A. Yes.

BRITTANI GREEN - DIRECT BY MS. SMITH

1 Q. And what did y'all call him?

2 A. JR.

3 Q. Why did you call him JR?

4 A. Because he's a junior.

5 Q. Okay. And how did you know JR?

6 A. I have two kids by Leon.

7 Q. How old are y'all's kids?

8 A. 15 and 14.

9 Q. Okay. Was JR a good dad?

10 A. Yes. He was an amazing father.

11 Q. Did he come see y'all's kids often?

12 A. Yes. Yes. He attended every football game that
13 my son had. Anything that had to do with the kids involving
14 the school and anything he would attend it with them.

15 Q. What about phone calls, did he call his kids
16 often?

17 A. Yes.

18 Q. Okay. Around how often did he call?

19 A. He'd call at least three times a week.

20 Q. What about coming by?

21 A. Two or three times a week, if he didn't have to
22 work, he'd come by and see them.

23 Q. Okay. How long were y'all together?

24 A. About 10 years.

25 Q. Okay. Did he talk to you often as well?

BRITTANI GREEN - DIRECT BY MS. SMITH

1 A. Yes.

2 (WHEREUPON, State's Exhibit Number 14 was marked.)

3 MS. SMITH: Your Honor, may I approach the
4 witness?

5 THE COURT: Yes.

6 MR. VOIGT: Your Honor, I'd like to lodge an
7 objection at this time.

8 THE COURT: All right. Do you need to approach,
9 sir?

10 MR. VOIGT: I can just do it with one word. And I
11 think, unless you'd rather --

12 THE COURT: Come on and approach, I'd rather you
13 do that.

14 MR. VOIGT: Thank you, Judge.

15 THE COURT: All right. Out of an abundance of
16 caution.

17 (WHEREUPON, a bench conference was had.)

18 THE COURT: And folks, that's white noise. We
19 don't have that in Walterboro. But that saves us from
20 getting y'all sometimes out of the room when we can try to
21 address something in a shorter period of time.

22 All right. Thank you.

23 MS. SMITH: Your Honor, may I approach?

24 THE COURT: Absolutely.

25

BRITTANI GREEN - DIRECT BY MS. SMITH

1 BY MS. SMITH:

2 Q. I'm approaching the witness with what has been
3 marked as State's Exhibit 14.

4 Now, Ms. Green, without going into much detail
5 excuse me, there's some phone numbers on there from 2017.

6 Do you recognize the phone number that you had in
7 2017? I apologize. In an attempt to get it all together, I
8 think I made it a little small, Ms. Green.

9 A. Yes, ma'am. That's mine.

10 Q. Okay. And when you say "that's mine," what is the
11 number?

12 A. It's (843) 318-2277.

13 MS. SMITH: Okay. May I approach again?

14 THE COURT: Yes, ma'am.

15 BY MS. SMITH:

16 Q. Ms. Green, if you can circle and initial the
17 phone -- the times that your number comes up on those
18 records, please?

19 A. You said the time?

20 Q. Just where your number and just initial beside
21 your number.

22 A. Okay.

23 Q. Ms. Green, do you have any tattoos?

24 A. Yes.

25 Q. Okay. Did JR have any tattoos?

BRITTANI GREEN - DIRECT BY MS. SMITH

1 A. Yes, ma'am.

2 Q. Okay. Is there anything special about those
3 tattoos?

4 A. Yes. We got our tattoos the same night. I got
5 one with my son and cars. And he got one with his mom and
6 the date of her birthday, I mean their death date, a rose.

7 Q. If you saw his tattoo would you recognize it?

8 A. Yes.

9 Q. Okay.

10 (WHEREUPON, State's Exhibit Number 13 was marked.)

11 MS. SMITH: Your Honor, I'm approaching the
12 witness what has been marked as State's Exhibit 13.

13 THE COURT: All right.

14 BY MS. SMITH:

15 Q. Ms. Green, other than some damage, what am I
16 showing you?

17 A. JR's tattoo.

18 Q. Okay. And is the same tattoo y'all got together?

19 A. Yes, ma'am.

20 Q. And other than any damage is that -- other than
21 the damage that's on his arm, is that substantially the same
22 tattoo that you know?

23 A. Yes, ma'am.

24 Q. And where is it located?

25 A. On his right arm, forearm.

BRITTANI GREEN - DIRECT BY MS. SMITH

1 Q. Okay.

2 MS. SMITH: Your Honor, the State moves State's
3 Exhibit 13 into evidence or seeks to move State's Exhibit 13
4 into evidence.

5 THE COURT: All right. Mr. Hazzard?

6 MR. HAZZARD: No objection.

7 THE COURT: Mr. Voigt?

8 MR. VOIGT: I will object, Your Honor.

9 THE COURT: All right.

10 MR. VOIGT: Again, I believe there's been a lack
11 of proper foundation as to the photograph, not of its
12 contents.

13 THE COURT: I'm going to overrule that objection,
14 sir.

15 MR. VOIGT: Thank you, Your Honor.

16 THE COURT: Mr. Edgeworth?

17 MR. EDGEWORTH: No objection, Your Honor.

18 THE COURT: All right. Yes, ma'am.

19 MS. SMITH: The State moves State's Exhibit 13
20 into evidence.

21 THE COURT: All right. So ordered.

22 (WHEREUPON, State's Exhibit Number 13 was moved
23 into evidence.)

24 BY MS. SMITH:

25 Q. Y'all have two kids together, right?

BRITTANI GREEN - DIRECT BY MS. SMITH

1 A. Yes, ma'am.

2 Q. Was there any child support?

3 A. Yes.

4 Q. Okay. And was there ever a time that JR was
5 behind on his child support?

6 A. Yes.

7 Q. Okay. Even though he was behind on his child
8 support, sometimes --

9 A. Uh-huh.

10 Q. -- did he still call his children?

11 A. Yes.

12 Q. And did he still come see his kids?

13 A. Yes.

14 MS. SMITH: Beg the Court's indulgence.

15 BY MS. SMITH:

16 Q. Ms. Green?

17 A. Yes.

18 Q. When was the last time you remember seeing JR?

19 A. About a week before his death. He came to see the
20 kids one night and he told my son that he was going to pick
21 him up that following weekend, that Sunday.

22 Q. Okay. Did he ever come --

23 A. No.

24 Q. -- pick the kids up that Sunday?

25 A. No.

BRITTANI GREEN - DIRECT BY MS. SMITH

1 Q. And did you ever report that JR missing?

2 A. Yes, ma'am.

3 Q. Why did you report him missing?

4 A. Because he didn't come see the kids and no one had
5 heard from him.

6 Q. Okay. When is your birthday?

7 A. March 8th.

8 Q. Did JR contact you on your birthday?

9 A. No.

10 Q. Was that unusual?

11 A. Yes.

12 Q. Why was that unusual?

13 A. Because he always called and joke with me say,
14 You're getting old. And he'd make sure he'd always call on
15 my birthday.

16 Q. Was it unusual that he didn't come and get his
17 kids?

18 A. Yes, very.

19 MS. SMITH: Your Honor, at this time I've got no
20 further questions.

21 THE COURT: All right.

22 MS. SMITH: Ms. Green, if you'll answer any
23 questions that the Defense Counsel may have.

24 Your Honor, at this time if I may publish State's
25 Exhibit 13 to the jury?

BRITTANI GREEN - CROSS BY MR. VOIGT

1 THE COURT: All right. You can publish that.

2 Mr. Hazzard, do you have any cross-examination of
3 this witness, sir?

4 MR. HAZZARD: No, sir.

5 THE COURT: All right. Mr. Voigt, do you have any
6 cross-examination of this witness, sir?

7 MR. VOIGT: Just a couple of questions.

8 THE COURT: Go right ahead, sir.

9 MR. VOIGT: May it please the Court.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. VOIGT:

13 Q. Ms. Green --

14 A. Yes.

15 Q. -- I think you testified that there were times
16 when JR was behind on his child support?

17 A. Correct.

18 Q. Did he catch up on his child support?

19 A. He was paying child support, and it wasn't caught
20 up, it was a significant -- a large amount. But he was
21 paying on it. I was receiving 90 dollars a week.

22 Q. Did you receive that through the state?

23 A. Yes.

24 Q. Okay. And you testified that the last time you
25 talked to him was about a week before his death. Do you

BRITTANI GREEN - CROSS BY MR. VOIGT

1 know when he died?

2 A. Well, he went missing around the 25th, 26th, 27th,
3 that weekend.

4 Q. Okay. So you don't know -- I mean, you just know
5 when the last time you talked to him?

6 A. Yes.

7 Q. Okay. When was the last time that you saw him,
8 physically saw him?

9 A. The week before his --

10 Q. So at the same time. Okay.

11 When was the last time?

12 THE COURT: Hold on. You need to speak up just a
13 little bit for me, okay?

14 THE WITNESS: Yes, sir.

15 THE COURT: Thank you.

16 BY MR. VOIGT:

17 Q. This courtroom kind of kills sound, so we have to
18 lift our voices up just a little bit.

19 A. Yes, sir.

20 Q. Do you recall the last time he called to speak to
21 his children?

22 A. The last time he called to speak to his children,
23 was when he came by because it was when I was sick, the
24 week, that I physically seen him, he called that week, that
25 day.

BRITTANI GREEN - CROSS BY MR. EDGEWORTH

1 Q. So we're all talking about the same day, the same
2 time?

3 A. Same, yes.

4 Q. Okay. And nothing after that?

5 A. No.

6 Q. Okay. Thank you very much, Ms. Green.

7 THE COURT: Mr. Edgeworth, do you have any
8 questions, sir?

9 MR. EDGEWORTH: Just briefly, Your Honor.

10 Thank you.

11 THE COURT: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. EDGEWORTH:

14 Q. Ms. Green, you're obviously familiar with
15 Ms. Tiesh Rhue, correct?

16 A. Correct.

17 Q. Okay. And you know she has children?

18 A. Yes.

19 Q. Okay. And you have children with -- you have
20 children with Mr. Harrison?

21 A. Yes.

22 Q. Those children played together, right?

23 A. Yes, when they went to their house, yes.

24 Q. So they -- you would have your kids go over to her
25 house?

BRITTANI GREEN - REDIRECT BY MS. SMITH

1 A. Yes.

2 Q. And at that time, she was the one watching over
3 your kids?

4 A. At the time JR was watching over my kids, JR.

5 Q. Well, Ms. Rhue was there?

6 A. Yes.

7 Q. Okay. Thank you. No further questions.

8 THE COURT: All right. Any redirect?

9 MS. SMITH: Briefly, Your Honor.

10 THE COURT: Yes, ma'am.

11 REDIRECT EXAMINATION

12 BY MS. SMITH:

13 Q. The last time you spoke to JR was about a week
14 before?

15 A. Correct.

16 Q. Did you attempt to call JR on February 25th of
17 2017?

18 A. Yes.

19 Q. Did he attempt to call you on February 25h, 2017?

20 A. Yes.

21 MS. SMITH: Nothing else.

22 THE COURT: All right. Anything further,
23 gentlemen?

24 MR. HAZZARD: No, Your Honor.

25 MR. VOIGT: No, Your Honor.

1 MR. EDGEWORTH: No, sir.

2 THE COURT: All right. Can this witness step down
3 and be excused?

4 MS. SMITH: Yes, Your Honor. We ask that she be
5 released from her subpoena.

6 THE COURT: All right. Ma'am, you are excused and
7 you're released from your subpoena and you're free to go.

8 THE WITNESS: Yes.

9 THE COURT: Thank you.

10 MS. RICHARDSON: Your Honor, if we could take a
11 break at this time?

12 THE COURT: All right. I think that would be
13 fine.

14 Ladies and gentlemen, I'm going to send you to the
15 jury room. And we're going to take an afternoon break.
16 And, again, don't talk about the case. And I'll have you
17 back in here -- we'll probably be back here around ten after
18 4:00. We'll try to get back in here around ten after 4:00.

19 All right. Thank you.

20 (WHEREUPON, the jury exited the courtroom at 3:58
21 p.m.)

22 THE COURT: All right. I failed to ask. Was
23 there anything that the State needed to bring up before I
24 discharged the jury? Before I sent the jury out,
25 anything -- anything anybody needed to bring up? Obviously,

1 they're already out. Anything we need to bring up now
2 before we take a break?

3 MS. RICHARDSON: No, Your Honor.

4 THE COURT: Nothing from the Defense?

5 MR. HAZZARD: No, sir, Your Honor.

6 MR. EDGEWORTH: No, Your Honor.

7 THE COURT: All right.

8 MR. VOIGT: I've got one question.

9 THE COURT: Yes, sir.

10 MR. VOIGT: Do we stand when they come in and go
11 out or do we stay seated? I'm so old that I reflexively
12 stand, but notice everybody else holds their spot, so I
13 don't want to be out of sync.

14 THE COURT: You know, I think as long as y'all
15 decide what you want to do, it's fine with me. Probably
16 stand. I think that's fine. Well, of course. I've got two
17 standing and one sitting.

18 MS. RICHARDSON: Don't move when the jury moves.

19 THE COURT: All right. Well, then stay seated,
20 that's fine.

21 MS. RICHARDSON: We'll all do the same thing.

22 MR. HAZZARD: So we're all going to lounge around
23 while the jury comes in?

24 THE COURT: Exactly.

25 (WHEREUPON, a break was held from 4:00 p.m. until

1 4:15 p.m.)

2 THE BAILIFF: All rise.

3 THE COURT: All right. Thank you. You can be
4 seated.

5 MS. SMITH: Your Honor, if you don't mind waiting
6 for Ms. Richardson. I believe that she went to the little
7 girl's room.

8 THE COURT: Oh, sure.

9 MS. RICHARDSON: Your Honor, if we might approach
10 about scheduling?

11 THE COURT: Yes, ma'am.

12 MS. RICHARDSON: We didn't set up the TV because
13 of the late hour. I didn't know how long you planned on
14 going. What I would like to do is call one more witness,
15 and then maybe we can talk about some issues. And break
16 until tomorrow, because my next witness after this one is
17 going to be real lengthy and we're going to have the TV and
18 all that. But I wanted to review that statement again
19 before we...

20 THE COURT: All right. Well, you know, if we're
21 going to break. Because, honestly, I was planning on
22 working until 5:30.

23 MS. RICHARDSON: Okay.

24 THE COURT: Because we got 50-some people of
25 potential witnesses. And hoping that we wouldn't have to

1 work so late tomorrow seeing how it goes. But, you know, I
2 mean, if you're telling me now is a good time to stop.

3 MS. RICHARDSON: Well, I've got another witness
4 for now.

5 THE COURT: Well, we have it -- I mean...

6 MS. RICHARDSON: Yeah, the father.

7 THE COURT: All right. What other matters do we
8 need to take up? Do we need to take up other matters this
9 afternoon? I mean, in other words, I hate to -- I hate to
10 break at 4:30.

11 MS. SMITH: I would like to discuss photographs.
12 I would for all of us to discuss photographs.

13 MS. RICHARDSON: I think we can meet and do that,
14 but I think as far as...

15 THE COURT: To be honest, I don't want to break at
16 4:30 and go home. I'm not -- I'm not going to do that,
17 because I just know that at some point.

18 MR. HAZZARD: I agree.

19 THE COURT: You know.

20 MS. RICHARDSON: Okay. All right. We'll go.

21 THE COURT: Well, I mean I --

22 MS. RICHARDSON: I just haven't reviewed that CD
23 again that I was going to enter. That's all.

24 MR. HAZZARD: Okay.

25 THE COURT: Well, is there somebody else you can

1 call other than whatever -- is there another witness you
2 call.

3 MR. HAZZARD: Hold on a second. How many
4 photographs are we talking about?

5 MS. RICHARDSON: That's not for today, but we were
6 just talking about the --

7 MR. HAZZARD: Well, I realize that, but that would
8 be something that if we were only to do one more witness
9 that we can dispose of this afternoon making use of that
10 time. So if you're talking about a lot of photographs, then
11 we can sit here and, you know, parlay it as the pirates say,
12 and see what we can agree on and what we don't and go ahead
13 and get that out of the way, at least.

14 THE COURT: I really want to get as much out of
15 the way as we can. I'm not trying to pressure you to put a
16 witness on, but I am other than the 50 witness that we left.

17 MS. RICHARDSON: Okay.

18 THE COURT: I just don't want to break at 4:30 in
19 a case that we've got potentially 50 witnesses, several of
20 them experts. That's the problem. And I'm just being
21 square with you.

22 MS. RICHARDSON: Okay.

23 THE COURT: But now, if you want to do some work,
24 if we've got if we can look at these photographs, if there's
25 other matters that need to be resolved. I want to do them

1 now. I don't mind letting y'all work for a little bit,
2 we'll step back for a few minutes --

3 MS. RICHARDSON: That sounds good.

4 THE COURT: -- and get that done. I just don't
5 want to leave and go home at 4:30. No offense to anyone
6 here, okay.

7 MS. RICHARDSON: I get it.

8 THE COURT: So call your next witness and then
9 we're going to do some type of work.

10 MR. VOIGT: Does my Lyle motion lie with this
11 witness?

12 MS. RICHARDSON: It could.

13 MR. VOIGT: Well, I mean, you know what he's going
14 to say.

15 MS. RICHARDSON: Yeah.

16 MR. VOIGT: I'm guessing what he's going to say.
17 So if you want -- I mean, I think under 404B, I think the
18 Judge has got to hear it first, I don't think I want to do
19 it on the fly with the jury in the room. If you want to
20 concentrate on that part, that's a five minute, even with me
21 cross-examining, it's a five-minute hearing.

22 MS. RICHARDSON: Okay.

23 THE COURT: All right.

24 MS. RICHARDSON: And my thing is I had planned on
25 doing Investigator Powell this afternoon.

1 THE COURT: Right.

2 MS. RICHARDSON: And my concern is, after your
3 ruling this morning, I wanted to check those CDs again, and
4 I just haven't had the opportunity to watch them all. You
5 know, they were -- to make sure that I comply with your
6 ruling. And that's why I didn't want to put it -- and I
7 wanted them to look -- I wanted them to have an opportunity
8 to review it, too, before I just started playing it.

9 THE COURT: All right.

10 MS. RICHARDSON: So that was kind of my -- and we
11 had agreement last night.

12 THE COURT: I understand.

13 MS. RICHARDSON: That's all.

14 THE COURT: And I had an epiphany last night, I
15 didn't stay up till 3:00 o'clock, but I did read some cases
16 that I thought were pretty on target. And so I'm not trying
17 to create additional work for you or put an additional
18 burden on you I wanted you to know that. Okay?

19 MS. RICHARDSON: I understand. And normally we
20 would be --

21 THE COURT: All right.

22 MS. RICHARDSON: -- ready to go with that, and I
23 just don't think it's a good idea to put somebody up there
24 that's kind of longer and have to bring them back tomorrow
25 if we started...

1 THE COURT: Well, what we're going to do is we're
2 going to call one more witness.

3 MS. RICHARDSON: Okay.

4 THE COURT: And so does this Lyle matter need to
5 be -- do we need to have an in-camera hearing? What do we
6 need to do on that?

7 MR. VOIGT: I think the hearing should be in
8 camera only about his testimony. I said in my motion
9 there's an allegation in the discovery about a previous
10 incident. All right.

11 THE COURT: Are you trying to get -- are you
12 planning on trying to get in that previous incident,
13 Solicitor?

14 MS. RICHARDSON: Your Honor, I was going -- I was
15 not planning on getting in all the details of it, but I was
16 trying to get into the fact that there had been an argument
17 and an altercation at the house shortly -- a few weeks
18 before.

19 MR. VOIGT: What details were you going to leave
20 out? I mean, I'm kind of -- what are the -- I mean, I don't
21 know. I don't know what -- because the story is that
22 somebody chased somebody with a machete.

23 MS. RICHARDSON: Right.

24 MR. VOIGT: Well, I don't want that in. I mean,
25 that's why I made my motion.

1 THE COURT: I didn't hear that. Is that -- is
2 that what you're trying to get in?

3 MS. RICHARDSON: Well, I was not going to try to
4 get that part in. He was just going to say that there was
5 an altercation.

6 MR. VOIGT: Alter -- well, what's "an altercation"
7 mean? Are we talking about a verbal argument, a physical
8 argument, what are we talking about?

9 THE COURT: Well, I think if it's just an
10 altercation and leave it at that, I don't think that that
11 really...

12 MR. VOIGT: That may not rise to the level.

13 THE COURT: I don't -- I'll be honest, I don't
14 know that it can.

15 MR. VOIGT: No. No. In the discovery, it's a
16 little bit more elaborate and a little bit more prejudicial,
17 frankly.

18 THE COURT: So, Solicitor, why don't you tell me,
19 because, I mean, I could put him on, we can -- we can...

20 MS. RICHARDSON: I'll tell you this, I'm not --

21 MR. HAZZARD: Are you putting the machete in
22 evidence?

23 MS. RICHARDSON: No, I'm not putting the machete
24 in evidence. But I've not planned on asking him about it,
25 but I can't promise he won't talk about it.

LEON HARRISON SR.- LH DIRECT BY MS. RICHARDSON

1 MR. VOIGT: Well, you've got some, you've got a
2 little bit of control.

3 THE COURT: All right. So what are we doing guys?

4 MS. RICHARDSON: Let's just have the motion
5 hearing.

6 THE COURT: All right. We'll have the motion
7 hearing.

8 MS. RICHARDSON: Okay.

9 THE COURT: So you want to put him up?

10 MS. RICHARDSON: Yes, we'll put him up.

11 THE COURT: All right.

12 MS. RICHARDSON: All right. For purposes of this
13 hearing the State calls Leon Harrison Sr.

14 THE COURT: All right.

15 LEON HARRISON SR., having been duly
16 sworn, testified as follows:

17 THE COURT: Hey, sir.

18 THE WITNESS: Leon Harrison Sr.

19 LYLE HEARING DIRECT EXAMINATION

20 BY MS. RICHARDSON:

21 Q. Okay. And you're the father of Leon Harrison Jr.?

22 A. Yes, I am.

23 Q. Okay. And just for the purposes of this hearing,
24 we're going to go into some prior issues between your son
25 and Alexander Rhue Jr.

LEON HARRISON SR.- LH DIRECT BY MS. RICHARDSON

1 Did you know -- did you know the Rhue family?

2 A. I know of the family, but you're saying the Rhue
3 family, I didn't know the last name. I know the father and
4 I got to know the son and daughter when they came over.

5 Q. All right. What was the relationship between your
6 son and Mr. Rhue Jr., the wife's brother?

7 A. I guess in-laws.

8 Q. Okay. But did you have any observation of how
9 they got along?

10 A. As far as I know, he was -- they probably didn't
11 get along that well.

12 Q. And did you have any issues that occurred at your
13 home between the two of them?

14 A. Yes, I have.

15 Q. Okay. Tell us about that.

16 A. Well, I can't exactly remember, I think it was a
17 Saturday or maybe Friday afternoon or something, they came
18 by looking for my son for something that had happened
19 earlier that night or whatever it was. And they forcibly --
20 forcibly pushed past me to get to my son. And I was trying
21 to block the door, Mr. Rhue opened up his coat and say, You
22 don't want nothing of this here. You understand what I'm
23 saying? I couldn't tell you exactly if it was a blade of a
24 knife or what it was, he just opened up his jacket, snatched
25 my phone and throwed it on the ground. Pushed his way into

LEON HARRISON SR.- LH DIRECT BY MS. RICHARDSON

1 my house, him and his sister, and ran my son out the back
2 door. And he ran down the road and Mr. Rhue took off behind
3 him down the road after he cut through the path at
4 McDonald's, the walkway down there.

5 Q. Okay. And about how long was this that this
6 occurred before your son went missing?

7 A. I would have to say about two weeks.

8 Q. About how long?

9 A. About two weeks maybe sooner or later. I can't --
10 the distance of time between all that happened, I can't
11 really, really say, but it was in the same span of time.

12 Q. And is that the only -- did you witness any other
13 kind of arguments or fights between them?

14 A. I can't say that I have, because the momma, which
15 is a -- you know, she kind of said, Y'all shouldn't go to
16 Mr. Harrison's house and doing these things like that at his
17 house. So I thought that was the end of it.

18 Q. Okay. And when you said they mother. Do you mean
19 the mother of Tiesh and Alex Rhue?

20 A. Yes. Yes.

21 Q. And that is Carolyn Beach.

22 A. Yes.

23 Q. Okay. And what was her relationship with your
24 family at the time, Ms. Beach?

25 A. Well, she was -- that's that the thing, she was

LEON HARRISON SR.- LH DIRECT BY MS. RICHARDSON

1 going with my brother while my son was married to the
2 daughter.

3 Q. So she was engaged or living with your brother?

4 A. Well, I couldn't say living, they might, have been
5 having an affair.

6 Q. Okay.

7 A. I can't say -- I couldn't say.

8 Q. And did you see Ms. Rhue, Tiesh Rhue, after you
9 reported or around the time your son was missing?

10 A. The only other time I seen Ms. Rhue, I don't know
11 when my son was missing, I was at the washer and she came up
12 and said, Have you seen your son? I said, No, I haven't.
13 And she made to the point that, in a small town like
14 Georgetown, a body can't be found or somebody can't be
15 found.

16 Q. Okay. And was that before your reported your son
17 missing?

18 A. Well, it was during the time of it.

19 Q. That he was missing?

20 A. Yes, ma'am.

21 Q. Okay. All right.

22 MS. RICHARDSON: Your Honor, those would be the
23 two matters that I believe the Court was going to rule on
24 prior to him testifying in front of a jury.

25 THE COURT: All right. Hold on a second. I want

LEON HARRISON SR. - LH DIRECT BY THE COURT

1 to ask a couple of questions.

2 LYLE HEARING DIRECT EXAMINATION

3 BY THE COURT:

4 Q. Sir, who -- who opened up their jacket? Who did
5 that?

6 A. Mr. Rhue.

7 Q. Mr. Rhue Jr.?

8 A. Yes, sir.

9 Q. Okay. And where was this?

10 A. At my house.

11 Q. At your house?

12 A. 1514 Front.

13 Q. Okay. And he took your phone?

14 A. And throwed it on the ground.

15 Q. Okay. And then what did he do?

16 A. They forced their way in my house to look for my
17 son, JR.

18 Q. Okay. And then what happened?

19 A. Well, JR, went out the back door and they couldn't
20 catch him -- they couldn't catch him in they house, they
21 came back through the front door. JR was down the road by
22 the tennis court. Mr. Rhue seen him and started a foot
23 chase.

24 THE COURT: All right. All right. Thank you.

25 Thank you, sir. Cross-examination?

LEON HARRISON SR. - LH CROSS BY MR. VOIGT

1 LYLE HEARING CROSS-EXAMINATION

2 BY MR. HAZZARD:

3 Q. Good afternoon, sir. I'm sorry, I'm way over
4 here. Good afternoon.

5 When you say, "they pushed their way in," who are
6 you referring to?

7 A. Mr. Rhue and his sister.

8 Q. Oaky.

9 A. Tiesh, okay.

10 Q. All right. Thank you.

11 MR. HAZZARD: No further questions.

12 THE COURT: All right. Mr. Voigt?

13 LYLE HEARING CROSS-EXAMINATION

14 BY MR. VOIGT:

15 Q. Mr. Rhue, (sic) could this have happened in
16 October of 2016?

17 A. Sir?

18 Q. Excuse me?

19 A. Excuse me.

20 Q. Could this have happened in October of 2016?

21 A. It happened about the time my son died. I
22 couldn't tell you, 2017, I believe.

23 Q. If I can't hear you standing here I know she's
24 going --

25 A. Whenever my son died that's about what time it

LEON HARRISON SR. - LH CROSS BY MR. VOIGT

1 happened.

2 Q. Okay. And you think it happened some weeks
3 beforehand?

4 A. I'm saying it happened a couple -- maybe in a span
5 of two week, maybe less or maybe -- it was no more than
6 about two weeks of a span.

7 Q. Okay. And you don't recall what day this was?

8 A. No, sir. I do not.

9 Q. And you didn't pick up the phone and call police?

10 A. Well, I tried but the boy picked -- excuse me,
11 sir, young man took my phone out of my hand and throwed it
12 on the ground.

13 Q. And you were able to retrieve it from the ground?

14 A. After he ran away, but then -- yes.

15 Q. Okay. And nothing prevented you after he ran away
16 from calling anybody and reporting this, right?

17 A. Well, see the thing of it is, his mom was going
18 with my brother. The mom -- my son was married to his
19 sister, so it was something like a family thing, so I
20 thought they would work all that out themself.

21 Q. Okay.

22 A. I never gave it a thought about all of this would
23 have happened.

24 Q. I see. During this time you didn't see a weapon
25 of any sort, right?

LEON HARRISON SR. - LH CROSS BY MR. VOIGT

1 A. All I know is he opened up his jacket, and what
2 looked to me as a weapon, but I couldn't see what type of
3 weapon it was.

4 Q. Was it a shooting weapon?

5 A. Sir, like I said, I can't tell you what type of
6 weapon it was.

7 Q. Was it a cutting weapon?

8 A. Like I said, again, I can't tell you exactly what
9 type of weapon it was.

10 Q. Okay. Did you take that -- did you -- well,
11 did -- I'm sorry. I'll start that from the beginning so it
12 makes sense.

13 When you allege that Mr. Rhue was on your front
14 porch, did he ever actually enter your house?

15 A. Him and his sister did.

16 Q. Okay. To the best of your knowledge was your son
17 in your house at that time?

18 A. My son was in the house the whole time.

19 Q. Okay. So were they in the same room together?

20 A. No, sir. They was on the front porch, I
21 confronted them at my front door.

22 Q. You confronted them at your front door?

23 A. I stood in front of my front door.

24 Q. Okay. Were you injured as a result of the
25 encounter?

LEON HARRISON SR. - LH CROSS BY MR. VOIGT

1 A. No, sir, I wasn't.

2 Q. And you didn't report this to anyone?

3 A. Like I said before, it was like a family matter,
4 you know.

5 Q. Do you know why they were there?

6 A. Like I said before, it was something that happened
7 the night before. I couldn't tell you exactly what.

8 Q. Okay. So you don't know any details about what --

9 A. No.

10 Q. -- what that was about?

11 A. No. They came there kind of upset about something
12 that happened the night before.

13 Q. Okay. Thank you.

14 THE COURT: Mr. Edgeworth?

15 MR. EDGEWORTH: I have no questions for this
16 witness.

17 THE COURT: Anything else, Solicitor?

18 MS. RICHARDSON: No, Your Honor.

19 THE COURT: All right. Let me hear from you.

20 MR. VOIGT: Judge, 404B Lyle requires some indicia
21 of reliability.

22 THE COURT: I'm sorry. Some what?

23 MR. VOIGT: Indicia of reliability. This is a
24 vague statement that's never reported that seems to have
25 prejudicial connotations without actual allegations of fact

1 behind it. It's vague. I mean, how do you defend something
2 when it's -- we don't know when it happened. We don't know
3 why it happened. And we really don't know what happened.

4 I think this is the kind of thing that is so
5 inherently unreliable and so prejudicial, because there's
6 no -- there's nothing else about it, it's just purely
7 prejudicial, it doesn't -- it's not probative of anything in
8 anyway. It doesn't fit neatly with the State's theory. I
9 think it's got to be excluded.

10 THE COURT: All right. Solicitor?

11 MS. RICHARDSON: Your Honor, prior difficulties,
12 especially as he's testified recently before the decedent
13 was murdered, would show motive and intent. And that there
14 was a history of hostility between the others which would be
15 probative. As far as the reliability, he does admit to
16 being an eyewitness, he explained why he didn't call law
17 enforcement, explained where it happened and the general
18 time frame of when it happened. He also didn't go overboard
19 as far as embellishing or anything like that, and, you know,
20 as far as the weapon and that sort of thing. I think it is
21 probative.

22 Obviously, any probative information is going to
23 have some prejudicial effect or else we wouldn't be trying
24 to put it in. The question is whether it's unfairly
25 prejudicial. And with this being an eyewitness who said it

1 happened recently and is -- before his son went missing in
2 the same house, it shows the prior difficulties, and the
3 recent prior difficulties between the decedent and two of
4 the defendants.

5 THE COURT: Do you gentlemen have anything to say?

6 MR. HAZZARD: No, sir.

7 THE COURT: Mr. Hazzard? Mr. Edgeworth?

8 MR. EDGEWORTH: No, Your Honor.

9 THE COURT: All right. Anything else in reply,
10 sir?

11 MR. VOIGT: It's being produced purely to be
12 prejudicial. It does not -- it's -- it -- it's not motive,
13 as I understand motive. And it's just a vague, hazy story.
14 I'm not sure vague, hazy, is kind of our standard of proof
15 here.

16 THE COURT: All right. I believe it is a vague,
17 hazy story. What concerns me the most is the fact there's
18 allegations of a weapon, but we don't know if it's a gun.
19 We don't know if it's a knife. We don't know if it's
20 nunchakus. We have no idea what it is. And I just think
21 that allows the jury's mind to wonder. And, as a result of
22 that, I just think that it is, in fact, more prejudicial
23 than probative under this situation.

24 I also question whether -- I mean, I just don't
25 think it's been -- it just doesn't rise to the standard. I

1 don't think there's been clear and convincing testimony
2 that's been presented as it relates to that. And
3 particularly I'm concerned about the -- the description of
4 pulling your coat back, but not knowing what weapon, and I
5 just think it's prejudicial, because I think -- or it's
6 overly prejudicial, because it's just going to allow the
7 jury to speculate as to what type of weapon, if any, it may
8 be.

9 MS. RICHARDSON: Your Honor, is it the -- and I'm
10 just seeking clarification and not further argument.

11 THE COURT: Yes, ma'am.

12 MS. RICHARDSON: But is it the weapon mentioned
13 that the Court is finding unfairly prejudicial or the
14 altercation? Could we admit the altercation and the
15 incident without going into details about the weapon and
16 excluding that part, which that seemed to be what the
17 witness was most unclear?

18 And I will say he did give -- like I said, some of
19 this was in the initial incident reports that he did say
20 there had been these prior difficulties.

21 MR. VOIGT: Judge, I think the case law and the
22 rule of evidence is clear and convincing evidence and we
23 just can't do it on a wing and a prayer.

24 THE COURT: The gun -- the weapon issue is one
25 of -- one of the issues that I have. But I think more

1 fundamentally, I just don't think it rises to a clear and
2 convincing standard, Solicitor.

3 MS. RICHARDSON: All right. Thank you, Your
4 Honor.

5 THE COURT: Yes. All right. Anything before we
6 get the jury back out here?

7 MS. RICHARDSON: No, Your Honor. Do you want him
8 to come back down?

9 THE COURT: Yes, ma'am. I sure do.

10 Sir, if you'd go back and just have a seat and
11 when the jury comes back out they'll call you back up here,
12 okay? Thank you, sir.

13 (WHEREUPON, the witness returned to the gallery.)

14 THE COURT: Oh, yeah. Solicitor. If Counsel will
15 approach.

16 Does he understand what I just ruled? Does he
17 understand what I'm asking?

18 MS. RICHARDSON: Yeah, let me make sure that we're
19 abundantly clear on that.

20 THE COURT: Okay. Is that -- is that all right.
21 Let's give her a second. I just want to make sure --

22 MS. RICHARDSON: Okay. I'll do it.

23 THE COURT: -- an accident doesn't happen, but I'd
24 rather just try.

25 MS. RICHARDSON: Okay.

1 THE COURT: For the staff and for the lawyers, I'm
2 hopeful to ask the jury to come back in at 9:00 o'clock
3 tomorrow morning. And I know that's going to be another
4 early day. I'd hope to work a little later, today but I
5 think there's some scheduling issues and I understand that.
6 But I'm going to see if it's okay with the jury that we can
7 start at 9:00 o'clock. And I'll see y'all in here maybe
8 ten minutes till. Okay?

9 MR. HAZZARD: Yes, sir.

10 THE COURT: And we'll still also have an
11 opportunity to do some work this afternoon. But I just
12 wanted to let y'all know that, because that's what I'm going
13 to tell the jury. Okay? Is that all right?

14 COURT REPORTER: That's fine.

15 THE COURT: Your promise?

16 COURT REPORTER: Yes, Your Honor.

17 THE COURT: Even if you don't promise, just tell
18 me yes. I'm just joking you know that. Okay?

19 COURT REPORTER: Yes.

20 THE COURT: All right.

21 MS. SMITH: Your Honor, I do believe that the
22 State has --

23 THE COURT: I'm sorry.

24 MS. SMITH: I believe that the State has a very
25 full day tomorrow, so I think that --

1 THE COURT: Right. That's what I --

2 MS. SMITH: -- we'll be able to power through
3 pretty well.

4 THE COURT: Great. Glad to hear it.

5 MS. RICHARDSON: We're ready, Your Honor.

6 THE COURT: All right. Anything before we bring
7 the jury in from the State?

8 Anything before we bring the jury in from the
9 State?

10 MS. RICHARDSON: No, Your Honor.

11 THE COURT: Anything from the Defense?

12 MR. HAZZARD: No, sir.

13 MR. VOIGT: No, Your Honor.

14 MR. EDGEWORTH: No, Your Honor.

15 THE COURT: All right. We'll bring the jury in.
16 Thank you.

17 (WHEREUPON, the jury entered the courtroom at 4:42
18 p.m.)

19 THE COURT: Ladies and gentlemen, we ran long.
20 And what I want to tell you is, it's not because we're back
21 there drinking coffee or goofing off. I promise you, we're
22 not, and we're working. And, again, it's a very important
23 case to the State. A very important case to the Defense.

24 So I told you that sometimes things are
25 repetitive, that they're slow, it's not like it is on TV,

1 because we only have one -- we've got to get it right. And
2 so that's what we're doing.

3 And so is the State is ready now to call their
4 next witness, Solicitor?

5 MS. RICHARDSON: The State calls Leon Harrison Sr.

6 THE COURT: Yes, ma'am.

7 LEON HARRISON SR., having been duly
8 sworn, testified as follows:

9 THE COURT: Go right ahead and you can pull for
10 mask down for purposes of your testimony. And just go ahead
11 and if you would and state your name for us, sir.

12 THE WITNESS: Leon Harrison Sr.

13 THE COURT: All right. Your witness.

14 DIRECT EXAMINATION

15 BY MS. RICHARDSON:

16 Q. Mr. Leon, where do you live?

17 A. 1514 Front. That's here --

18 Q. Okay. And that's here --

19 A. -- Georgetown, South Carolina.

20 Q. And how long have you lived in Georgetown?

21 A. I would say all my life, 56 years -- 51 years --
22 61 years, I'm sorry.

23 Q. 61 years?

24 A. Yes.

25 Q. And tell me how many children you have.

LEON HARRISON SR. - DIRECT BY MS. RICHARDSON

1 A. Five -- well, four boys now and one girl.

2 Q. But you had another boy?

3 A. Yeah, I had another son.

4 Q. Well, tell me who was your oldest child?

5 A. JR, Jr. Leon Harrison Jr.

6 Q. And who was his mother?

7 A. Bonnie Scott.

8 Q. And did you have another child with Ms. Scott?

9 A. Shaheem Scott.

10 Q. Okay. And what -- what happened to Ms. Scott?

11 A. She died.

12 Q. When the children were young?

13 A. Yeah, the kids were real young. The kids was in
14 grade school when she died.

15 Q. And after that, did you have some additional
16 children?

17 A. Yes, I did. I had three other -- well, two other
18 boys with -- with my wife, Khrystopher and Khryshard
19 Harrison.

20 Q. Okay.

21 A. And another girl with Nyaisha Brown.

22 Q. Okay. And what was your relationship like with
23 your son JR?

24 A. Wonderful.

25 Q. Did y'all spend a lot of time together?

LEON HARRISON SR. - DIRECT BY MS. RICHARDSON

1 A. We did. I mean, we did.

2 Q. Okay. And how often would see him?

3 A. Well, I like to keep in touch with my sons more
4 now, but at least once a week, once or twice a week.

5 Q. Okay. And was your house kind of the gathering
6 spot?

7 A. Yes.

8 Q. And what kind of things would you do with your
9 sons at your house?

10 A. Well, we just sit around and look at the games.
11 Just talk about all -- just any old thing that we could talk
12 about, probably drink a beer, all of them old enough to
13 drink beers, just sitting out there, talk, reminisce. We
14 talk with his other brothers about girls and stuff. Mostly
15 all we do is sit on the front porch and just gather.

16 Q. Okay. And did another male live at your house
17 that you called Dat Boy?

18 A. Dat Boy, yes.

19 Q. Okay. And who was that?

20 A. That was -- he was like my son, too, because
21 everybody came by. We all lived like one.

22 Q. Okay. and when was the last time that you saw your
23 son, Leon?

24 A. It had to been around about Heemi's birthday, I
25 would have to say. Because I know his birthday, because his

LEON HARRISON SR. - DIRECT BY MS. RICHARDSON

1 birthday was Heemi's birthday.

2 Q. I'm having trouble hearing you and it might be
3 that mask. Can you scoot your chair up just a little bit?

4 A. Okay. It would have to have been around Heemi's
5 birthday.

6 Q. And Heemi, is that what you called Shaheem?

7 A. Shaheem Scott, I'm sorry.

8 Q. Okay. And you remember that date right off of
9 your...

10 A. I couldn't.

11 Q. But about how long was that before he went
12 missing?

13 A. It was during that same span. Like I'm saying, it
14 was during that same span of time. It wasn't a year later.
15 It wasn't a week later. It wasn't a month later. It was
16 during that same span of time.

17 Q. Okay. And where were -- where did you see him?

18 A. At my house.

19 Q. Okay. For Shaheem's birthday?

20 A. Yes.

21 Q. Okay.

22 A. Got a picture of him sitting on the porch.

23 Q. Oh, you took -- you have a picture of him from
24 that day?

25 A. Yeah, sitting on the porch, yes.

LEON HARRISON SR. - DIRECT BY MS. RICHARDSON

1 Q. And that's the last picture you have of him?

2 A. Yes.

3 Q. All right. And we've already discussed he was
4 married?

5 A. Yes.

6 Q. Okay. And how was that relationship with his
7 wife, Tiesh?

8 A. I wanted to believe it was pretty good, because he
9 was always, you know, back and forth, but it was kind of
10 rocky.

11 Q. Okay. And when they had problems where would he
12 stay?

13 A. He would either come to my house or go to Zaharia
14 (ph) house, go to his.

15 Q. To whose?

16 A. Zaharia (ph) -- whatever the girl's -- girl's
17 house, I'm sorry.

18 Q. Okay. And that was the girlfriend?

19 A. Yes.

20 Q. Okay. And you have, I guess, kind of complicating
21 the factors, or complicating things, your brother dated
22 their mother?

23 A. Yes.

24 Q. So your brother dated Tiesh and Alex's mother?

25 A. Yes.

LEON HARRISON SR. - DIRECT BY MS. RICHARDSON

1 Q. Okay. So it was sort of all --

2 A. Yes.

3 Q. -- kind of things mixed together. Okay. All
4 right. When did you first realize that your son was
5 missing?

6 A. Okay. A friend came to the house and spoke to Dat
7 and Heemi and mentioned it to him that something was wrong,
8 that Alex had spoken to them.

9 MR. VOIGT: Objection. Hearsay, Your Honor.

10 THE COURT: I'm going to sustain that.

11 BY MS. RICHARDSON:

12 Q. And -- but the information you got was from who,
13 without saying what he said?

14 A. Black.

15 Q. Okay. Nickname Black? Do you know what his real
16 name is?

17 A. Simmons. I can't tell you his first name, but I
18 know his last name was Simmons.

19 Q. Okay. And without saying what he said, he raised
20 some concern --

21 A. Yes.

22 Q. -- about your son's whereabouts?

23 A. Yes.

24 Q. And after that what did you do?

25 A. Well, I got concerned, since a long time went by

LEON HARRISON SR. - DIRECT BY MS. RICHARDSON

1 and still haven't heard from him, seen by him, went by his
2 Uncle Woody house, I went by there, me and Shaheem went by
3 there, the girl house.

4 Q. The girlfriend?

5 A. Yeah. Nobody seen or heard from him. So that's
6 when I went to the police station to voice my concerns that,
7 you know, they say it had to be 24 hours. I tell them it's
8 more over -- more than 24 hours. That's when they put the
9 search out and took them about a week to find him, I'm
10 pretty sure when they found him.

11 Q. And you went to the Georgetown Police and reported
12 it?

13 A. Yes.

14 Q. And before this, on previous occasions when your
15 son and Tiesh were having trouble, would she contact you
16 looking for him?

17 A. No.

18 Q. Okay. And did -- you did you talk with her about
19 him being missing?

20 A. No.

21 Q. Okay. And did you see her during the period of
22 time?

23 A. Well, like I said, the only time I seen her when I
24 was at the laundry mat and she told she said what she said
25 to me, and that was about it.

LEON HARRISON SR. - DIRECT BY MS. RICHARDSON

1 Q. And what did she say to you?

2 A. As small as a town --

3 MR. EDGEWORTH: Objection.

4 THE WITNESS: -- as Georgetown.

5 THE COURT: Hold --

6 MS. RICHARDSON: Hold on.

7 THE COURT: -- hold on.

8 Yes, sir. Hearsay?

9 MR. EDGEWORTH: Hearsay, Your Honor.

10 THE COURT: All right. I'll sustain that.

11 MS. RICHARDSON: Your Honor, this would be a
12 statement by a party opponent. It would be a statement by
13 the Defendant herself to Mr. Harrison, which would not be,
14 under the hear --

15 THE COURT: All right. I'm going to overrule you,
16 sir.

17 Go ahead. Thank you, Solicitor.

18 BY MS. RICHARDSON:

19 Q. And what did she say to you?

20 A. As small a town as Georgetown a body cannot be
21 found -- a person cannot be found or nobody knows where a
22 body is at.

23 Q. And that was during period of time he was missing?

24 A. Yes.

25 Q. And after his body was found were you able to view

LEON HARRISON SR. - DIRECT BY MS. RICHARDSON

1 the body?

2 A. No, ma'am, I wasn't.

3 Q. And tell me about the funeral arrangements, who
4 made the funeral arrangements?

5 A. Ms. Tiesh made the funeral arrangements. I -- me
6 and my family volunteered to pay for the whole funeral
7 procession, everything, just let us have the body. We'll
8 bury him. We'll pay for it. We'll do whatever we can. You
9 know, we'll -- we'll -- we'll handle the funeral. She said,
10 no, she wants to cremate him.

11 Q. Did you go to the funeral?

12 A. Pretty much, yes.

13 Q. Okay. How were things there?

14 A. It was touch and go. It wasn't -- we was on one
15 side, they was on the other.

16 Q. Okay. And who paid for the funeral?

17 A. Well, as far as I know, we paid half of it, and I
18 don't know if the funeral home ever got the other half, but
19 pretty much they didn't.

20 Q. And did the police come to you at some point and
21 say they needed some additional items to get a DNA profile
22 for your son?

23 A. Yes, ma'am, they did.

24 Q. Okay. And did you provide them with anything?

25 A. I did not have anything to give to them, but they

LEON HARRISON SR. - DIRECT BY MS. RICHARDSON

1 went the girl house, Zaro, or whatever her name is, and they
2 got some things from her house.

3 MR. HAZZARD: I apologize. I'm having a very,
4 very hard time --

5 MS. RICHARDSON: Scoot up a little bit.

6 MR. HAZZARD: -- understanding what he's saying.

7 MS. RICHARDSON: We've been having trouble with
8 that.

9 THE COURT: Just get close to that microphone.

10 All right. Go ahead.

11 BY MS. RICHARDSON:

12 Q. Can you pull it just a little bit closer?

13 A. I got it.

14 Q. You good, okay.

15 A. Yes.

16 Q. So. All right. I've lost my train of thought, but
17 they asked you to get an item?

18 A. Yes, ma'am.

19 Q. Okay. And did you get one?

20 A. Yes, ma'am. It was a toothbrush we got.

21 Q. Okay. And you got it from who?

22 A. The girl.

23 Q. Let me show you what's been marked as State's
24 Exhibit Number 15 and is that what you gave him?

25 A. Yes.

LEON HARRISON SR. - DIRECT BY MS. RICHARDSON

1 MS. RICHARDSON: Your Honor, at this time I'd move
2 State's 15 into evidence.

3 THE COURT: Any objection, Mr. Hazzard?

4 MR. HAZZARD: Yes, sir, Your Honor. Maybe I
5 misunderstood, my understanding is he's saying he got a
6 toothbrush from someone else and gave it to the police, I
7 guess. I don't see the proper foundation and at this point
8 and I don't see the relevance.

9 THE COURT: All right. Anything else? Mr. Voigt?

10 MR. VOIGT: I concur with that, Judge.

11 THE COURT: All right.

12 MR. VOIGT: I mean, he's been shown a toothbrush
13 in a bag. I'm not sure a foundation has been laid for it's
14 introduction.

15 THE COURT: Has he identified that as his son's
16 toothbrush.

17 MS. RICHARDSON: He's identified it as getting
18 from the girlfriend. We can just have additional witnesses
19 on that issue. We can submit it after they testify.

20 THE COURT: Well, in that case, I'll sustain the
21 objection.

22 BY MS. RICHARDSON:

23 Q. Okay. Did they also ask you to get a swab, a DNA
24 swab, from you?

25 A. Yes, ma'am.

LEON HARRISON SR. - CROSS BY MR. HAZZARD

1 Q. All right. And you went down to the police
2 department and they swabbed your cheek and everything?

3 A. No, ma'am. They came to the house and did all
4 that.

5 Q. Okay. They came and got it? All right.

6 All right. Let me show you what's been marked as
7 State's Exhibit 16 and is that your signature?

8 A. Yes, ma'am, it is.

9 Q. Okay. And that's the form they had you sign?

10 A. Yes.

11 Q. Okay. And when they swabbed your cheek did you
12 touch it or anything like that?

13 A. No, I didn't. They swabbed it and put it back in
14 the little tube and there you go.

15 Q. Okay. All right. I have no further questions.

16 Answer any questions that the other attorneys, and
17 there's three of them, may have for you, okay?

18 A. All right.

19 THE COURT: Mr. Hazzard, do you have any
20 questions, sir?

21 MR. HAZZARD: Yes, sir, Your Honor. Very briefly.

22 THE COURT: Sure.

23 MR. HAZZARD: May it please the Court.

24 CROSS-EXAMINATION

25 BY MR. HAZZARD:

LEON HARRISON SR. - CROSS BY MR. HAZZARD

1 Q. Good afternoon, sir.

2 And I'm going to try and I apologize for not
3 understanding you earlier. If I speak and you don't
4 understand me, just say I don't understand. Okay?

5 Where did Leon Harrison Jr. work before he worked
6 at PCL?

7 A. At the mill.

8 Q. And when you say "the mill," what are you
9 referring to, sir?

10 A. He was a scaffolder.

11 Q. I'm sorry?

12 A. He ran a scaffold at the mill for another company.
13 I can't tell you the name of the company, because I can't
14 recall the name of the company, but he used to run
15 scaffolds. You know, like you climb scaffolds to put things
16 up on the side of the walls? That's what he did.

17 Q. Okay. And so how long did he work at PCL?

18 A. Say that again, sir.

19 Q. I apologize. How long did he work at PCL, where
20 they were working on the bridge?

21 A. Okay. Well, I can't exactly answer that. It
22 might have been six months, it might have been a year, it
23 might have been two, I couldn't really tell you.

24 Q. Now, while he was working at PCL, he didn't have a
25 car, did he?

LEON HARRISON SR. - CROSS BY MR. HAZZARD

1 A. No, he didn't.

2 Q. Okay. And Alex Sr. took him to and from work most
3 days, didn't he?

4 A. No. I don't know if he took him some days, he
5 might have took him some days, he might not have. But I
6 know he came to my house during those days and caught a ride
7 from either the people that was going to Myrtle Beach, or
8 the people that was -- or he caught a ride. I don't know if
9 he went downtown to catch Mr. Rhue, I couldn't say that.
10 But I know he came to my house a couple of nights out of the
11 week, slept in my bed, he got up and caught a ride to go to
12 work. I couldn't tell you how he got there.

13 Q. So you say that he caught a ride with people
14 heading towards Myrtle Beach?

15 A. Well, wherever the job -- Conway, Myrtle Beach,
16 everybody going out that way, sir.

17 Q. Okay. And we're talking about -- he was working
18 on the 701 Bridge?

19 A. 701 bridge. I know he was working at the bridge,
20 I might have said Myrtle Beach, I mean Conway.

21 Q. Okay. Now, when the Prosecutor was talking to you
22 she asked you about someone else who lived in your home, and
23 I think you referred to him as Dat Boy?

24 A. Yeah. Yeah. His name is kind of tricky so I
25 called him Dat Boy.

LEON HARRISON SR. - CROSS BY MR. HAZZARD

1 Q. Can you spell his name?

2 A. No, sir, I can't.

3 Q. Okay. And you can't pronounce his name?

4 A. Well, we call him D-A-T, Dat, B-O-Y, Dat Boy.

5 Q. But you can't pronounce his actual name?

6 A. Oh, God, names escape me.

7 Q. Okay. And how long has this person lived with
8 you?

9 A. All his life.

10 Q. And how old is he roughly?

11 A. Thirty-seven.

12 Q. Okay. And when you went to the police on March 9,
13 and said that Leon Harrison Jr. was missing you were not
14 able to provide the police with the names of his children,
15 the names of his wife or --

16 A. Hold on. I know -- okay. Go ahead. Go ahead.
17 That's all right.

18 THE COURT: Hold on. Allow him to ask a question,
19 sir, and then assuming you understand the question --

20 THE WITNESS: Uh-huh.

21 THE COURT: Hold on, sir. Assuming you understand
22 the question then you can respond. Okay?

23 THE WITNESS: Okay.

24 THE COURT: All right. Mr. Hazzard, go ahead.

25 MR. HAZZARD: Yes, sir. Thank you very much, Your

LEON HARRISON SR. - CROSS BY MR. HAZZARD

1 Honor.

2 BY MR. HAZZARD:

3 Q. When you went to the police department on March
4 9th, who did you speak with, sir?

5 A. I really couldn't tell you, a sergeant, a
6 lieutenant, a captain.

7 Q. I'm sorry. A sergeant or a captain?

8 A. I do not know these people's names, sir. So I
9 can't tell you who exactly I spoke to. I know they had
10 stripes on their shirts.

11 Q. Yes, sir. Where are you employed, sir?

12 A. International Paper.

13 Q. Okay. And what do you do for them there?

14 A. Cook.

15 Q. Okay. You're a cook?

16 A. Yes.

17 Q. Okay. How long have you been at IP?

18 A. Twenty years.

19 Q. So now, when you talk to the police on March 9 of
20 2017, the only name you were able to provide them is, I
21 believe, your sister Sandra Johnson, does that ring a bell?

22 A. Yes, that's my sister.

23 Q. Okay. And that's the only information you were
24 able to provide them as far as any contacts for Leon Jr.?

25 A. If you say so, sir, yes.

LEON HARRISON SR. - CROSS BY MR. HAZZARD

1 Q. Well, it's not what I say, sir. I do not --

2 A. Just because I'm bad with names, that don't mean I
3 don't know my family members, okay. I am bad with names
4 like I'm bad with dates, okay?

5 Q. Yes, sir. Thank --

6 A. That's why we give people nicknames, that's why I
7 call people nickname, we're used to calling people by
8 nickname, because they give people long names,
9 unpronounceable names sometimes, we just give them
10 nicknames. But don't think I don't know my grandkids, I
11 don't my son's wife, I don't know anybody else. I do know
12 them, we just call them by different names sometimes.

13 Q. Thank you, sir. No further questions.

14 THE COURT: All right. Mr. Voigt?

15 MR. VOIGT: No questions, Your Honor.

16 THE COURT: Okay. Mr. Edgeworth?

17 MR. EDGEWORTH: No questions for the witness, Your
18 Honor.

19 THE COURT: All right. Any redirect?

20 MS. RICHARDSON: No, Your Honor.

21 THE COURT: Okay. All right. Mr. Harrison, that
22 completes your testimony. Is he under subpoena?

23 MS. RICHARDSON: He is, Your Honor.

24 THE COURT: All right. You're released from your
25 subpoena, sir. But we're happy to have you stay with us.

1 Okay?

2 THE WITNESS: Okay.

3 THE COURT: Thank you so much, sir.

4 All right. Ladies and gentlemen, it's never an
5 exact art as to when witnesses come, how long witnesses are
6 going to take. And what I do know is, is that the State's
7 next witness, I believe, will be a rather lengthy witness.
8 We also have additional work that we need to do outside of
9 your presence.

10 So it is now, I think, a few minutes after 5:00.
11 I was hoping to work a little later, we've got a lot of
12 potential witnesses here this week. And, again, though
13 those are potential witnesses, we don't know yet if all will
14 be called or how many. But what I would like to do is I
15 would like to get started tomorrow morning at 9:00 a.m.

16 So, I would ask you to be back in the jury room at
17 9:00 a.m. I will have the lawyers here and I will be here
18 well before 9:00 and we'll be finishing up a few matters
19 this evening so we can start tomorrow morning fresh at 9:00
20 a.m.

21 So in the meantime, again, I would ask that you
22 not discuss this matter with anybody, that you conduct no
23 research in this matter and if anybody bothers you about
24 this matter, or will not leave you alone, you just get their
25 name or you just let me know and I will take care of that.

1 Anything concerning my instructions to the jury
2 from the State?

3 MS. RICHARDSON: No, Your Honor.

4 THE COURT: Anything from the Defense,
5 Mr. Hazzard?

6 MR. HAZZARD: No, sir, Your Honor.

7 THE COURT: Mr. Voigt?

8 MR. VOIGT: No, sir.

9 THE COURT: Mr. Edgeworth?

10 MR. EDGEWORTH: No, sir.

11 THE COURT: All right. Ladies and gentlemen, I'm
12 going to discharge you for the evening and ask that you'll
13 be back at 9:00 a.m. in the jury room, okay? Thank you,
14 folks. All right. Everybody remain seated while the jury
15 is leaving, please.

16 (WHEREUPON, the jury exited the courtroom at 5:09
17 p.m.)

18 THE COURT: Also I'd like everybody --

19 Officer, I'd like everybody to remain in the
20 courtroom until we have the jury leave, so they need
21 five minutes. And then, at that time, if you would
22 discharge one group of folks. And then, five minutes later,
23 discharge the other. Okay?

24 OFFICER: Yes, sir.

25 THE COURT: And that way we just have a smooth

1 parting of the ways. Okay?

2 OFFICER: Thank you, sir.

3 THE COURT: All right. Thank you.

4 All right. Anything further? Well, what do we
5 got to do from the State?

6 MS. RICHARDSON: Your Honor, I think probably the
7 best thing may would be for us to meet and see if we can
8 agree on anything before we can bring it to you.

9 THE COURT: All right. Well, I'm going to be
10 in -- I'm going to be in the back. Okay?

11 MS. RICHARDSON: Okay.

12 THE COURT: So I'll be in the back and waiting to
13 hear from you guys. All right?

14 MS. RICHARDSON: Okay.

15 THE COURT: Is that all right, Mr. Hazzard?

16 MR. EDGEWORTH: My apologies.

17 MR. HAZZARD: I'm sorry, Your Honor. I was
18 talking to Mr. Edgeworth and I missed part of what the
19 Prosecutor said. My sincerest apologies to the Court.

20 THE COURT: All I wanted -- y'all going to --
21 y'all going to look at and perhaps see if we can get some
22 photographs and other evidentiary matters agreed to for such
23 that I can rule on them say in the next 30 or 40 minutes?

24 MR. HAZZARD: Yea, sir. I've got them.

25 THE COURT: I'm going to go on in the back and

1 y'all just send somebody in to get me and so we can try to
2 knock that out, and then be ready to go at 9:00 a.m. Okay?

3 MR. HAZZARD: Yes, sir.

4 THE COURT: So I'm waiting to hear from you guys.
5 Mr. Voigt, anything else?

6 MR. VOIGT: No, that's fine.

7 THE COURT: All right. Good. Thank y'all.

8 (WHEREUPON, there was a break held from 5:11 p.m.
9 until 5:38 p.m.)

10 THE BAILIFF: All rise.

11 THE COURT: Thank you. Please be seated.

12 All right. Solicitor, you look like you were up
13 till 3:00 o'clock last night.

14 MS. RICHARDSON: I am. I'm done today, Judge. I
15 need some time to recharge.

16 THE COURT: Well.

17 MS. RICHARDSON: To get ready for tomorrow, I
18 think it will go a lot smoother if we can, you know, make
19 sure everything is lined up for tomorrow. That was kind of
20 part of the problem today.

21 THE COURT: That's fine. That's fine.

22 MS. RICHARDSON: Just making sure the exhibits are
23 all lined up and that sort of thing.

24 But what we have agreed to is that the State is
25 going to send them emails about which of the body recovery

1 photos and autopsy photos we will be seeking to admit and
2 then see if -- and then we can discuss what we don't agree
3 on. And we're going to send them the times for the
4 redactions for at least the first two interviews. And --

5 MR. HAZZARD: Whose first two interviews?

6 MS. RICHARDSON: Tiesh.

7 MR. HAZZARD: Okay.

8 MS. RICHARDSON: And your guys. Yeah.

9 MR. HAZZARD: Okay.

10 MS. RICHARDSON: That one was easy. That was
11 short and easy. So we'll send those to them and provide the
12 copies of all of those as well just to make sure that we
13 haven't missed anything in Your Honor's ruling this morning.

14 And Mr. Voigt is going to have a motion regarding
15 the crime scene -- I say the crime scene -- the search
16 warrant photos from the first two -- the first two search
17 warrants, I think. He wanted to address had an issue with
18 that.

19 MR. VOIGT: So this was my bright idea, Judge.

20 The Court has ruled that there was no probable
21 cause for the first two search warrants. The evidence that
22 we're seeking, and that I was seeking to suppress for all of
23 the search warrants, was the blood evidence. The Court has
24 ruled that that is going to come through inevitable
25 discovery doctrine.

1 Pursuant to each of the first two search warrants
2 were photographs. However, I believe because there's no
3 probable cause for either of those two search warrants, and
4 the scene may have changed by the time they come back for
5 the third search warrant, I don't know that the photographs
6 from the first two search warrants obtained without probable
7 cause should be shown to the jury.

8 I would make a motion to exclude them on that
9 basis. Because there has been a substantial change, both
10 just through the passage of time, plus the interference of
11 law enforcement, they have changed the scene. And so that
12 actually that's...

13 THE COURT: Well, could they -- I mean, couldn't
14 they provide testimony as to whether or not the scene has
15 changed?

16 MR. VOIGT: They could.

17 THE COURT: And if it -- and if they provided
18 testimony that the scene had not changed, then why would it
19 be excluded if that -- if that -- if those photographs that
20 would come in through the inevitable discovery, if they
21 testified that the scene hasn't changed or significantly
22 changed, obviously, you know, but I mean, why couldn't they
23 come in then?

24 MR. VOIGT: No. No. That -- that's assuming a
25 fact that I hadn't assumed in my original argument.

1 THE COURT: Well, I understand. But I mean...

2 MS. RICHARDSON: Your Honor, we submitted an
3 affidavit along with our memorandum in that regard.

4 THE COURT: Refresh my memory on that affidavit.
5 I was reviewing that last night about 2:30 when I couldn't
6 sleep -- nah, I'm just joking. I can't remember that
7 affidavit.

8 MS. RICHARDSON: Just that the -- I'm pretty sure
9 it was just at the -- because the first search warrant was
10 on the 10th, the second search warrant was on the -- or the
11 first two search warrants were on the 10th, and the second
12 was on the 14th. It was at the scene was basically the
13 same. Nothing had really been altered. The mattress had
14 been put back from where they had moved it, I think is what
15 they said.

16 THE COURT: She's unbelievable.

17 All right. I'm going to -- if they can lay the
18 proper foundation and groundwork, I will allow it. If not,
19 I won't.

20 MR. VOIGT: Okay.

21 THE COURT: That's what I -- that -- that's --
22 that will be my ruling as of right now. Okay, sir?

23 MR. VOIGT: Can't ask for more than that, Judge.

24 THE COURT: Thank you. What else?

25 MS. RICHARDSON: Can we go home?

1 THE COURT: Is that it?

2 MS. SMITH: We do have one other matter.

3 Your Honor, one of my -- Exhibit 13 -- State's
4 Exhibit 13 and State's Exhibit 16 have not been introduced
5 into evidence at this point in time. Particularly in
6 State's Exhibit 13, there were markings on it.

7 I do not feel comfortable taking that exhibit back
8 with me, into my office. I believe this has been identified
9 and it's been marked on and then her's has actually been
10 identified on the record as well. I do believe that the --
11 I'm asking for a ruling that the Clerk's office take custody
12 and control over the -- over the evidence at this point,
13 including the toothbrush. Number 16 -- I think 15, 16, and
14 13, which are not technically in evidence as of right this
15 second. However, a proper foundation is going to be laid.

16 THE COURT: Well, the one -- the one with the list
17 of numbers that were like the bionic man had to use his
18 eyes, right?

19 MS. SMITH: Yes, exactly. Yes.

20 THE COURT: All right. Okay that's been marked as
21 an exhibit, right?

22 MS. SMITH: Yes, it has.

23 THE COURT: So why wouldn't that just stay with
24 the Court Reporter if that's been marked as an Exhibit?

25 MS. RICHARDSON: I think they have agreed that

1 they will stay with the Court Reporter. I think the
2 question was, as for the toothbrush, which, you know,
3 obviously contains biological material and is a fungible
4 item, that it may need a signature. Ms. Alma White has
5 requested that the Judge -- the police department wanted the
6 Clerk of Court to sign for acceptance of the exhibit so they
7 would have a complete chain of custody. And I think she had
8 a concern with that or she wanted to know what to do, I
9 guess.

10 MADAM CLERK: Judge.

11 THE COURT: Yes, ma'am.

12 MADAM CLERK: I'm a burned child who's afraid of
13 fire.

14 THE COURT: You're what?

15 MADAM CLERK: I am a burned child who is afraid of
16 fire.

17 Now, let me tell you, I'm going to do, like I told
18 them, what you order me to do. Typically, and we all are
19 learning and certainly we're trying to help the Court
20 Reporter, she's new too.

21 We normally keep in custody at the end of a day
22 what has already been presented. And even in looking at the
23 Court Reporter's Exhibit Sheet, and I was explaining to her,
24 she wrote down toothbrush and what have you, which really
25 ain't in, it's been marked.

1 So I was reluctant to take it, because in the end,
2 and we'll have to fix it at the end of the trial. And I've
3 explained to the Court Reporter, that must be a working
4 document for her, because when we have stuff listed on that
5 sheet and the clerk signed that we got it in the evidence
6 room, trial over with. When the appeal process comes, and
7 the law enforcement is coming to us, whether it's from the
8 State or whoever they want a copy of the evidence sheet and
9 all the evidence because they're taking it to the next
10 level.

11 THE COURT: Yes, ma'am.

12 MADAM CLERK: And then we got toothbrush down
13 there, we -- that wasn't even in, but now I've got to deal
14 with that as we've done in the past where --

15 THE COURT: All right. Well, what do you want to
16 do? I mean, I can't -- I can't we don't want to leave it
17 right there. What you want to do?

18 MADAM CLERK: We want what was actually submitted
19 into evidence today that you've allowed, we're asking them
20 to hold in their custody until they come back tomorrow or
21 whenever it's submitted.

22 THE COURT: All right.

23 MADAM CLERK: But if you tell me to take it, as
24 long as the record shows that, I will take it, Judge.

25 THE COURT: All right.

1 MADAM CLERK: But I just don't want -- this could
2 become a habit. This was -- before them, Judge, they had to
3 come back for something one time and the evidence sheet they
4 were looking for money, that's what the police got, they
5 said they had the drug dealer, they turned in this and it
6 had X-number thousand dollars in cash. And guess what, but
7 the time we finished arguing, there was no cash. They took
8 the -- the police departement took a picture of the cash
9 that's what was turned into us.

10 THE COURT: All right.

11 MADAM CLERK: So, now, you know, I could tell you
12 some other stories too. But if you tell me to take it, I'll
13 take it.

14 THE COURT: Well, how about this -- how about
15 this, how about if I order you to take it.

16 MADAM CLERK: Yes, sir.

17 THE COURT: Okay. Is there any objection -- see,
18 I'm going to set them up right now. Okay? Is there any
19 objection to the Clerk taking possession of these documents
20 including the toothbrush tonight and I guess would return
21 them for our use tomorrow?

22 Is there any objection from the State?

23 MS. RICHARDSON: No, Your Honor. And I think
24 especially with that item it is necessary if there were to
25 be a mistrial or some reason it would have to be retested,

1 we would need to confirm a good chain of custody.

2 THE COURT: Mr. Hazzard, does that meet with your
3 approval? Would that -- would that -- would you -- would
4 you stipulate to her doing that such that we don't have a
5 chain of custody issue concerning the toothbrush, in
6 particular. I'm not too worried about the other documents.

7 MR. HAZZARD: What I would want for the Clerk's
8 benefit is an actual written order that specifies the items
9 and the exhibit numbers on those items.

10 THE COURT: All right.

11 MR. HAZZARD: For the record.

12 THE COURT: Okay. Well, my clerk can get with the
13 Court Reporter and can prepare an order. We have one of
14 these fancy printers that she can just print it out and I'll
15 sign it.

16 Mr. Voigt?

17 MR. VOIGT: No objection, your Honor.

18 MR. EDGEWORTH: No objection, Your Honor.

19 THE COURT: All right.

20 MADAM CLERK: And when -- excuse me, Judge.

21 When that is --

22 THE COURT: Yes, ma'am.

23 MADAM CLERK: When that is done, and I think the
24 law enforcement they want me to sign something that says...

25 MS. RICHARDSON: That court order will be I think

1 fine.

2 MADAM CLERK: Okay. Okay.

3 THE COURT: All right. All right.

4 MS. RICHARDSON: That's the Judge's signature.

5 THE COURT: All right. Good, we'll do that.

6 I'll see everybody back in here about a quarter
7 till 9:00.

8 MR. HAZZARD: Yes, sir.

9 THE COURT: Is that good. Is there anything else
10 we need to take up.

11 MR. HAZZARD: It's not good, but I'll be here.

12 THE COURT: Geez. Y'all don't want to hear what
13 I'm going to say, she's going to hit that magic button and
14 y'all won't be able to hear it. Okay. I'm just joking.

15 All right. Good. Then we'll be in recess until
16 tomorrow morning. She's going to print that order out for
17 you, Madam Clerk, and we'll have that for you. Okay?

18 MADAM CLERK: Okay. Thank you, Judge.

19 THE COURT: All right folks. We'll see you in the
20 morning. Thank you.

21 (WHEREUPON, the proceedings adjourned for the day
22 at 5:50 p.m.)

23 OCTOBER 13, 2021

24 (WHEREUPON, the proceedings resumed at 9:00 a.m.)

25 THE BAILIFF: All rise.

1 THE COURT: All right. Thank you. You can be
2 seated.

3 MS. RICHARDSON: Good morning, Your Honor.

4 THE COURT: I thought they were going to set up a
5 big TV.

6 (WHEREUPON, there was a pause in the proceedings.)

7 MS. RICHARDSON: Your Honor, if I could pre-mark
8 some of these exhibits, I think then we start it can be a
9 little smoother.

10 THE COURT: All right. Gentlemen, as it relates
11 to the TV, do y'all want to move to that corner when she
12 turns that TV, as it relates to you'll be able to see, or
13 what would you like to do?

14 MR. HAZZARD: Well, I guess our options are either
15 that corner or that corner and I prefer that corner.

16 MR. EDGEWORTH: That's fine with me, Your Honor.

17 THE COURT: Can y'all fit in there? Or if y'all
18 want to go to separate corners, whatever y'all want to do.
19 Feel free to do whatever you need to do to make sure you can
20 see. I don't --

21 MR. HAZZARD: I mean, I guess the four of us can
22 stand over there. The other option -- and I do not wish to
23 disturb Mr. Harrison Sr. -- the other option would be two of
24 us can stand on one side of the rail, Mr. Harrison Sr. can
25 move back a row and the other two can stand on the other

1 side. But whatever is most convenient for Mr. Harrison Sr.
2 is what I want to do.

3 THE COURT: All right.

4 MR. HAZZARD: If the four of us have to huddle up
5 right there on this side of the rail, then that's what we'll
6 do.

7 THE COURT: I understand that. Solicitor, you
8 want to check with Mr. Harrison Sr. and see if that's all
9 right?

10 MS. RICHARDSON: To sit here with him?

11 THE COURT: No. They suggested, perhaps, that
12 they might go to that corner when you're playing the TV so
13 they can see. And they didn't want to inconvenience or
14 upset Mr. Harrison Jr. [sic], and it might be that he would
15 want to sit back one more row while that's going on -- give
16 a little more space, if he wants to do that, or he could sit
17 right there. Makes no difference.

18 MR. HAZZARD: Also, Your Honor, at the appropriate
19 time, I'd like to address a couple of issues.

20 THE COURT: All right.

21 (WHEREUPON, there was a pause in the proceedings.)

22 MR. HAZZARD: One of the issues I've got is that
23 -- I guess I am showing my age, because when we broke
24 yesterday and I said, Hey, this is a great opportunity for
25 us to review the pictures, make a determination, things of

1 that nature, um, that's not what happened, not what was
2 provided because the State intends to do it from a different
3 medium.

4 With regard to the planned redactions, I received
5 that email apparently at 10:57 last night after I'd gone to
6 bed. And then at 12:02 a.m., I received something
7 regarding, I guess, the planned photos.

8 So I don't -- what I'm saying is I don't know
9 what's on the disc. I don't know if it's correct.

10 THE COURT: All right. What we're going to do is
11 this: We gone go back. You said you had a matter to take
12 up?

13 MR. HAZZARD: Yes, sir.

14 THE COURT: We'll let you take that up, then we
15 gone bring the jury out.

16 MR. HAZZARD: Okay.

17 THE COURT: And y'all -- y'all -- I'm not gone
18 keep the jury 30 minutes this morning, we gone rock. So I
19 want everybody to go back, what's not been premarked, we'll
20 do it the old fashioned way. Okay? And if it's slow, it's
21 slow. But I'm not going to keep these folks waiting.

22 Let's go back. And then you had a motion or you
23 wanted to bring something to my attention?

24 MR. HAZZARD: Yes, sir.

25 THE COURT: Okay. I'm happy to hear from you.

1 MR. HAZZARD: Thank you.

2 THE COURT: Okay.

3 (WHEREUPON, there was a pause in the proceedings.)

4 THE COURT: All right. I understand, Mr. Hazzard,
5 you had something you wanted to bring to the Court's
6 attention before we get the jury in here?

7 MR. HAZZARD: Yes, sir. A couple of housekeeping
8 matters. At the beginning of this trial, the Court inquired
9 of the State -- and I think it's because your very
10 impressive law clerk noticed this -- that Mr. Rhue Sr. was
11 also charged with accessory after the fact to I believe it's
12 an A, B, or C felony.

13 And the Court inquired whether the State intended
14 to go forward. They indicated that it had not been indicted
15 and that they were not going forward. That warrant number
16 is 2017A2220200138. Defense simply asks at that time that
17 that charge be dismissed with prejudice.

18 THE COURT: Solicitor?

19 MS. RICHARDSON: Your Honor, that case, it was not
20 called by the Clerk of Court because it had not been
21 indicted. Although Langford and the Chief Justice order
22 does -- regarding taking the control from General Sessions
23 back to the Clerk of Court -- the statement page says the
24 manner in which things are prosecuted are still in the
25 discretion of the Solicitor.

1 MR. HAZZARD: And I do appreciate that, however,
2 we are here for the trial of these matters. This would be
3 the appropriate time for that trial.

4 To allow the State to say they're going to cherry
5 pick certain charges dealing with one incident -- not
6 multiple incidents, one incident -- and we're going to try
7 these charges today and then we're going to hold these other
8 ones in our pocket and maybe call the same incident for
9 trial on a different charge six months later, a year later,
10 two years later, I would submit is patently improper and
11 unfair to the Defendant and would violate his due process
12 rights.

13 THE COURT: All right. I'm not going to dismiss
14 it with prejudice -- I'm gonna -- I'll dismiss it, but I
15 think that's within my purview, but I'm not going to dismiss
16 that with prejudice. I think the case hadn't been indicted.
17 It wasn't called and far as I'm concerned, the case is
18 dismissed without prejudice, sir.

19 MR. HAZZARD: On Monday when we were doing the --
20 thank you, Your Honor.

21 THE COURT: Yes, sir.

22 MR. HAZZARD: On Monday when we were doing the
23 motion hearings and Sergeant Powell was on the stand, I
24 mentioned that the incident report number that he apparently
25 was referring to, to refresh his recollection, was one that

1 to my knowledge, I had not received.

2 THE COURT: Yes, sir.

3 MR. HAZZARD: The Prosecutor indicated that they
4 would provide me with a copy of that. To my knowledge I
5 have not received that at -- at this time. And I would
6 request a hard copy of that before Sergeant Powell takes the
7 stand.

8 And I understand in fairness to the Prosecutor
9 that these incident reports tend to be somewhat duplicative
10 in nature. In other words, they do an incident report, and
11 then as they move forward in investigation, they add to the
12 incident report, so that you have what you initially had
13 then you have some more. And then they add some more, so
14 you have what you initially had, the second installment,
15 third installment ad nauseam.

16 So what I have is an incident report that has 63
17 pages. A second incident report that has 67 pages. And I
18 would most likely think that what Sergeant Powell was
19 referring to was the final iteration of the incident report
20 and to my knowledge, I have not received that.

21 So I'd want a copy of that prior to him
22 testifying. Because for some reason, the copy they were
23 referring to had a different case report number. Maybe it
24 generates a different case report number every time they
25 update, but I don't know.

1 THE COURT: Solicitor, do you know what he doesn't
2 have and can you get that to him?

3 MS. RICHARDSON: Yes, Your Honor.

4 THE COURT: I mean, can you give it to him now?

5 MS. RICHARDSON: I got somebody going right now.

6 THE COURT: I mean, do you have a copy? Can you
7 pull it out?

8 Because, you know, I -- I cannot believe -- I -- I
9 understood that she said she'd get it and I told her to get
10 it to you.

11 MR. HAZZARD: Yes, sir.

12 THE COURT: But, sir, you're too good of an
13 attorney that if that's important, that you couldn't have
14 gone -- even though she was supposed to do it -- I've
15 practiced law a long time -- and you go to them and say,
16 I've gotta have it, I need it.

17 So don't -- I mean, I understand she was supposed
18 to do that, but I mean, folks, y'all have got to work
19 together.

20 It's amazing to me the delay. It's certainly
21 understandable why this thing has drug on. And I -- please,
22 Solicitor, can y'all look at, compare notes, get together,
23 talk -- if you need to get close, put a mask on -- and find
24 out and get him what he needs? And can -- can y'all do
25 that?

1 MS. RICHARDSON: Yes, sir.

2 THE COURT: Can you do that right now?

3 MS. RICHARDSON: Yes, sir. They've gone to get
4 the extra copy for him right now.

5 THE COURT: All right. All right. So you're
6 gonna get the extra copy. Then, Mr. Hazzard, if you'll take
7 a second, look at that and let's make sure you've got what
8 you need. And I think that's -- that -- will that be
9 satisfactory, sir?

10 MR. HAZZARD: Yes, sir.

11 THE COURT: Okay. What else, sir?

12 MR. HAZZARD: Other than dealing with the issue of
13 the photos and redactions, which we've already discussed --

14 THE COURT: Yes, sir.

15 MR. HAZZARD: -- that's all I have.

16 THE COURT: Yes, sir.

17 Okay. Do you gentlemen have anything else?
18 Mr. Voigt?

19 MR. VOIGT: Judge, my -- my -- the latest incident
20 report I have has 67 pages. I assumed I was going to get a
21 copy of a longer one today, so.

22 THE COURT: All right. So, Mr. Edgeworth?

23 MR. EDGEWORTH: Your Honor, I guess as far as the
24 report that I have in my possession, and I -- I may be on
25 the back end of some of this. I was the last one appointed,

1 but I have a 73-page report, so I wouldn't have the previous
2 reports. So I guess I have the one on which they are
3 relying.

4 THE COURT: Okay. All right. So we're gonna -- I
5 hope they are getting copies of that right now so we can get
6 these to Defense Counsel.

7 (WHEREUPON, a pause in the proceedings.)

8 THE COURT: Counsel, as it turns out, not all of
9 our jurors are here. So I'm a little relieved in that we're
10 not necessarily making the Jury wait as a result of the fact
11 that one of our jurors are not -- is not present.

12 The juror has called in his --

13 THE CLERK: Mr. Blocker, Lance Blocker, Number 21.

14 THE COURT: Okay. Mr. Lance Blocker, Number 21,
15 I'm informed that his wife went into labor prematurely.

16 Now -- and I don't -- I don't know how far along
17 she is or if this is a serious matter or not, but apparently
18 he took her or met her at the hospital.

19 So, as a result, not knowing how long he will be
20 in that situation, I'm assuming that we would move forward
21 with one of the two alternates. And so to that extent I
22 would suggest that we pick -- put the two alternates, put
23 their name on a piece of paper, ball it up, put it in a cup,
24 pull one out, and whoever that person is would replace
25 Mr. Blocker.

1 Is that the Solicitor's understanding as to how we
2 would move forward in handling, now, one of the two
3 alternates?

4 MS. RICHARDSON: Yes, Your Honor.

5 THE COURT: Would the Solicitor or the State have
6 any objection to doing that?

7 State have any objection to that?

8 MS. RICHARDSON: No. No, objections at this time.

9 THE COURT: All right. What about it,
10 Mr. Hazzard?

11 MR. HAZZARD: About the method of ---

12 THE COURT: Yes, sir.

13 MR. HAZZARD: You mean about using an alternate or
14 about the method of choosing the alternate?

15 THE COURT: Method -- at this point, I think, A,
16 going ahead and choosing and moving one of the alternates
17 onto the actual jury. That is replacing the juror who is
18 not here as a result of being in the hospital, and then the
19 actual method of selection.

20 MR. HAZZARD: Oh, no objection, Your Honor.

21 THE COURT: What about it Mr. Voigt?

22 MR. VOIGT: No, objection, Your Honor.

23 THE COURT: All right. Mr. Edgeworth?

24 MR. EDGEWORTH: No objection, Your Honor.

25 THE COURT: Okay. Madam Clerk, what -- tell me

1 what you are doing, please?

2 THE CLERK: I put the two alternates name on a
3 piece of paper and I'm going to fold it up.

4 THE COURT: And what -- and what names are those
5 that you put on the piece of paper?

6 THE CLERK: Christopher Holmes, Number 108 and
7 Christopher Childers, Number 37, and I'm going to fold it up
8 and put it in this cup.

9 THE COURT: Yes, ma'am. Go right ahead.

10 All right. Any objection to the Clerk picking out
11 one of the two pieces of paper that were placed in the cup,
12 from the State?

13 MS. RICHARDSON: Not from the State.

14 THE COURT: Anything from the Defense?

15 MR. HAZZARD: No, sir.

16 MR. VOIGT: No, sir.

17 MR. EDGEWORTH: No, sir.

18 THE COURT: All right. Madam Clerk, you can
19 remove one of the names, please. Could you read that name?

20 THE CLERK: Christopher Holmes, Number 108.

21 THE COURT: All right. Christopher Holmes, Number
22 108.

23 All right. We'll make this -- we'll make this a
24 Court's Exhibit 3.

25 (WHEREUPON, Court's Exhibit 3 was marked.)

1 THE COURT: All right. Did we get the report,
2 Solicitor?

3 MS. RICHARDSON: Yes, Your Honor.

4 THE COURT: Thank you.

5 MS. RICHARDSON: And this is unredacted because it
6 was done like this, so we would ask -- no, it is redacted,
7 nevermind.

8 THE COURT: All right. Anything further before we
9 bring the Jury in from the State?

10 MS. RICHARDSON: No, Your Honor.

11 THE COURT: From the Defense?

12 MR. HAZZARD: No, sir.

13 MR. VOIGT: No, sir.

14 THE COURT: Mr. Bailiff, could you bring us the
15 Jury?

16 (WHEREUPON, the Jury entered the courtroom at 9:28
17 a.m.)

18 THE COURT: All right. Ladies and gentlemen, good
19 morning. And I will tell you that one of your fellow jurors
20 has had an incident arise and is not going to be able to be
21 here. I'm not going to go into the incident. It has
22 nothing to do with -- with court or this case. They had a
23 personal matter come up and so he isn't going to be able to
24 continue to serve.

25 And of course that's why we select alternates.

1 And so now, Alternate 108?

2 JUROR: Yes, sir.

3 THE COURT: You -- Mr. Christopher ---

4 JUROR: Holmes.

5 THE COURT: Holmes. Mr. Holmes, I'm sorry, I
6 forgot your last name.

7 JUROR: That's all right.

8 THE COURT: Mr. Holmes, you will now be serving as
9 a juror and not an alternate. So, I wanted to let you know
10 that. And if you want to continue to sit there in that
11 seat, that's absolutely fine. You can sit wherever you want
12 to. Again, the only person who's got some place he's got to
13 sit is that gentleman right there.

14 So with that having been said, thank you for being
15 here and if you direct your attention to the State.

16 Solicitor, you can call your next witness, please.

17 MS. RICHARDSON: The State calls Bert Powell.

18 BERT POWELL , having been duly sworn,
19 testified as follows:

20 THE WITNESS: My name is Officer Powell,
21 Georgetown County Sheriff's Office.

22 THE COURT: All right. Your witness, Solicitor.

23 DIRECT EXAMINATION

24 BY MS. RICHARDSON:

25 Q. All right. Officer Powell, where are you

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1 employed?

2 A. Georgetown County Sheriff's Office.

3 MS. RICHARDSON: Okay. And I can't hear him.

4 THE COURT: You gotta be right up on that mic.

5 MS. RICHARDSON: Yeah, for some reason, it's not
6 picking up like it used to.

7 THE WITNESS: Georgetown County Sheriff's Office.

8 MS. RICHARDSON: Is it going over -- it's not
9 going over the speaker. Is it on? Is the green light on?

10 THE COURT: Go ahead. Unfortunately, I think you
11 have to put your mouth right up to that thing.

12 THE WITNESS: Georgetown County Sheriff's Office.

13 MS. RICHARDSON: There we go.

14 BY MS. RICHARDSON:

15 Q. All right. And what's your educational
16 background?

17 A. Some college.

18 Q. And what sort of law enforcement training do you
19 have?

20 A. I had training through the South Carolina Criminal
21 Justice Academy. I am a field training officer. Also, I am
22 an instructor for specific skills and defensive tactics.
23 And I've also been to bloodhound training as a handler.
24 I've been to narcotics K-9 handler training. And I've also
25 been through training to be an investigator and some -- and

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1 an interview class.

2 Q. And you have to have so many hours every year to
3 keep up your law enforcement certification?

4 A. Yes, ma'am.

5 Q. And do you have any military experience?

6 A. Yes, ma'am. Six years in South Carolina National
7 Guard.

8 Q. And what positions have you held in law
9 enforcement?

10 A. I've been a patrol officer. I'm the patrol
11 supervisor now. I have been a narcotics investigator, a
12 criminal investigator, bloodhound handler, narcotics K-9
13 handler, field training officer, and instructor for
14 defensive tactics and specific skills.

15 Q. And you said you were with the Sheriff's Office
16 now, were you formerly with the city?

17 A. Yes, ma'am.

18 Q. Georgetown Police Department?

19 A. Yes, ma'am.

20 Q. And were you there in February -- in March of
21 2017?

22 A. Yes, ma'am.

23 Q. How long had you been there?

24 A. How long had I been there at that time?

25 Q. Yeah. Or when did you go to Georgetown Police

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1 Department?

2 A. 2014.

3 Q. All right. And how long had you been an
4 investigator or when were you promoted to investigator?

5 A. March the -- my first day as investigator there
6 was March the 6th, I think, at Georgetown Police Department.

7 Q. Of which year?

8 A. 2017.

9 Q. Okay. So you had just become an investigator when
10 this case was assigned?

11 A. Yes, ma'am.

12 Q. Had you been an investigator for other agencies?

13 A. Narcotics, only.

14 Q. All right. And on 3/9 -- or March 9, 2017, did
15 you receive a missing persons' report?

16 A. Yes, ma'am.

17 Q. And tell me how that came about.

18 A. Mr. Leon Harrison Sr. came to the police
19 department wanting to report his son Leon Harrison Jr.
20 missing.

21 Q. And did he give you an indication of when he had
22 last been seen?

23 A. According to Mr. Leon Harrison Sr. he said the
24 last time he had seen him was on the ---

25 MR. VOIGT: Objection, Your Honor. I believe the

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1 witness is reading for something -- from something. I
2 don't think -- I think that's a hearsay document at this
3 point.

4 THE COURT: I'm going to overrule that.

5 MR. VOIGT: Thank you, Your Honor.

6 BY MS. RICHARDSON:

7 Q. And just for the record, are you referring to your
8 report to refresh your recollection?

9 A. Yes, ma'am.

10 Q. And so when did he indicate he had last seen his
11 son?

12 A. The 23rd of March. The 23rd or 24th of March. I
13 mean, I'm sorry -- I'm sorry. February of 2017.

14 Q. February 23, 2017; is that right?

15 A. Correct.

16 Q. And did he have any concerns regarding his son?

17 A. Ma'am?

18 Q. I mean, did he -- why was he reporting him? What
19 facts did he give?

20 A. He said he hadn't talked to him or seen him in the
21 past couple of weeks and that he was concerned that
22 something had happened to him.

23 Q. And did anybody else come and report him missing?

24 A. Yes, Ms. Brittani Green also came to report him
25 missing.

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1 Q. And based on their report -- and let me ask you
2 this: Did you go out to the home to take the report or did
3 they come into the police department?

4 A. They came to the police department.

5 Q. Let me show you what's been marked as State's
6 Exhibit 17. We premarked it already for identification.

7 Can you tell me what that is?

8 A. This is an NCIC entry for Mr. Leon Harrison Jr.

9 Q. Okay. And tell the jury what that is and what the
10 purpose of that is.

11 A. Anytime someone goes missing, we enter them into a
12 national database as a missing person called NCIC we have to
13 put their name, date of birth, race, sex, age, height,
14 weight, all the identifiers and then we have a marked
15 section on it that says when they were last seen or where we
16 think they were last seen at.

17 Q. Is it an accurate reflection of the NCI -- NCIC
18 entry form you completed?

19 A. Yes, ma'am.

20 MS. RICHARDSON: Your Honor, at this time State
21 moves State's Exhibit 17 into evidence.

22 THE COURT: Any objection?

23 MR. HAZZARD: No, sir.

24 MR. EDGEWORTH: No, sir.

25

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1 BY MS. RICHARDSON:

2 Q. And according ---

3 THE COURT: Mr. Voigt?

4 MR. VOIGT: No, Your Honor.

5 MS. RICHARDSON: I'm sorry.

6 THE COURT: All right. Go right ahead.

7 (WHEREUPON, State's Exhibit Number 17 was moved
8 into evidence.)

9 BY MS. RICHARDSON:

10 Q. And according to that --

11 THE COURT: So admitted.

12 MS. RICHARDSON: Thank you, Your Honor.

13 BY MS. RICHARDSON:

14 Q. And, according to that report, what did you note
15 was the last time and place he was seen?

16 A. According to remarks on here, it says that he was
17 last seen at 1514 Front Street, Georgetown, SC 29440 on
18 February 23, 2017.

19 Q. Okay. And you've been involved in this
20 investigation pretty much the whole time?

21 A. Correct.

22 Q. And whose address is 1514 Front?

23 A. Mr. Leon Harrison, Sr.

24 Q. The father's address? So that's the information
25 you had, the father's address, 2/23?

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1 A. Correct.

2 Q. Okay. Were you able to get much information from
3 the father?

4 A. No, ma'am.

5 Q. Okay. Tell me about that.

6 A. Well, when he came in, he wasn't able to give us a
7 whole lot. He wasn't able to give us his son's wife's name,
8 grandchildren's names, things such as that. He wanted to
9 report his son missing, but he didn't have a lot of
10 information on him.

11 Q. And Britt -- did Ms. Brittani Green give you a
12 little more information?

13 A. She did. She told us that she was the mother of
14 Mr. Harrison's children, that he had gone missing, and that
15 he -- and that he was married to Ms. Tiesh Rhue.

16 Q. Let me -- and when you do these missing persons
17 reports, do you often need a picture? You disseminate a
18 release on them?

19 A. Yes, ma'am. A lot of times, what we'll do is
20 we'll try to find them through SCDMV online.

21 Q. That's the South Carolina Department of Motor
22 Vehicles?

23 A. Yes, ma'am. And usually we'll put together a
24 press release with their picture on it and do a -- this
25 person's missing, if you have any information, contact, you

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1 know, Georgetown Police Department, Georgetown County
2 Sheriff's Office, or whoever.

3 Q. And that's just a standard practice?

4 A. Yes, ma'am.

5 Q. And you use the South Carolina DMV online in those
6 investigations and to generate pictures?

7 A. Yes, ma'am.

8 Q. Okay. I'm going to show you what's been marked as
9 State's Exhibit 18 for identification.

10 Can you tell me what that is?

11 A. It's a three-year driving record for Mr. Leon
12 Harrison Jr., and it gives his address, date of birth,
13 height, weight, race, all the driver's license information.

14 Q. And that's just the cover sheet?

15 A. Yes, ma'am.

16 Q. Okay. And can you tell on the bottom of that when
17 you pulled that report?

18 A. It was 3/9/2017.

19 Q. Okay. And does it have a time?

20 A. Yes, ma'am. 11:03 a.m.

21 Q. And what time did the father report him missing?
22 Or come to the police department?

23 A. It was that morning, I think.

24 Q. So just a little later in the morning you pulled
25 the DMV?

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1 A. Yes, ma'am. According to this, it says it was
2 entered on 8 -- at 8:58 and this was done at 11:03.

3 Q. Is that an accurate reflection -- and I think I
4 may have asked you that, but ---

5 A. Yes, ma'am.

6 Q. --- is that an accurate reflection of what you
7 pulled?

8 MS. RICHARDSON: Your Honor, at this time the
9 State would offer State's 18 into evidence.

10 THE COURT: All right. Any objection,
11 Mr. Hazzard?

12 MR. HAZZARD: No, sir.

13 THE COURT: All right. Mr. Voigt?

14 MR. VOIGT: No, sir.

15 THE COURT: Mr. Edgeworth?

16 MR. EDGEWORTH: No, Your Honor.

17 THE COURT: All right. So admitted.

18 (WHEREUPON, State's Exhibit Number 18 was moved
19 into evidence.)

20 BY MS. RICHARDSON:

21 Q. And what address is on Mr. Harrison Jr.'s DMV?

22 A. 1015 Highmarket Street, Georgetown, South
23 Carolina.

24 Q. And in your investigation, did you determine who
25 also lived at 1015 Highmarket Street?

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1 A. Ms. Tiesh Rhue.

2 Q. And did you use that picture to generate a missing
3 person's file?

4 A. Yes, ma'am.

5 Q. And after you got his wife's name and you had that
6 address, what did you do at that point?

7 A. We went up to the house and tried to find
8 Ms. Rhue.

9 Q. Okay. At 1015 Highmarket?

10 A. Yes, ma'am.

11 Q. And was she there?

12 A. No, ma'am.

13 Q. Okay. So then what -- was anybody there?

14 A. I can't remember who it was we talked to, they
15 said she was at work. She worked at the steel mill, at the
16 Georgetown Steel Mill.

17 Q. And so --

18 A. We went over to the steel mill and made contact
19 with her.

20 Q. And did she agree to talk with you?

21 A. Yes, ma'am.

22 Q. And she was at work?

23 A. She was.

24 Q. And what did you -- and she had not reported him
25 missing to you at that point; is that right?

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1 A. No, ma'am.

2 Q. And what did you learn from her?

3 A. She told us that he had -- on the night of the
4 February 25th, she got off work at 10 o'clock and she went
5 to Highmarket Street to meet with Mr. Leon Harrison Jr. She
6 stated when she got there, he was on the back porch. When
7 she walked up, he was on the phone. She thought that he was
8 talking with another woman, so they got in an argument. She
9 took the phone from him because she suspected he was on the
10 phone with another woman.

11 She stated after they had a brief argument he got
12 his phone back from her, or she gave him his phone back, he
13 went into the house, grabbed some of his clothes or personal
14 belongings and he left the house and went in an unknown
15 direction.

16 Q. Did she -- and did she indicate if she had any
17 contact with him since?

18 A. She said that she had not heard from him since he
19 left.

20 Q. And did she provide you any information about his
21 employment?

22 A. Yes, ma'am. She told us that he worked at a
23 company called PCL Construction. They were in the Yauhannah
24 area rebuilding bridges on the 701 -- Highway 701.

25 Q. And did you go talk to them as well?

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1 A. Yes, ma'am. We went to talk to his immediate
2 supervisor.

3 Q. Did you find out the last day he reported to work?

4 A. Yes, ma'am. His supervisor told us that his last
5 day at work was February 25th. He told us once he left that
6 day, he had not returned to work since.

7 Q. And based on that information, was that the first
8 time you had the date of February 25th instead of
9 February 23rd?

10 A. Yes, ma'am.

11 Q. And so let me show you what's been marked as
12 State's Exhibit Number 19 for identification.

13 What is that?

14 A. It's a Georgetown Police Department missing
15 person's like a press release letter sheet.

16 Q. And is that an accurate copy of what was
17 disseminated?

18 A. Yes, ma'am.

19 MS. RICHARDSON: Your Honor, at this time I'd
20 offer State's Exhibit 19 into evidence.

21 THE COURT: All right. Any objection,
22 Mr. Hazzard?

23 MR. HAZZARD: No objection.

24 THE COURT: Mr. Voigt?

25 MR. VOIGT: No, sir.

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1 THE COURT: All right. Mr. Edgeworth?

2 MR. EDGEWORTH: No, Your Honor.

3 THE COURT: All right. Admitted without
4 objection.

5 (WHEREUPON, State's Exhibit Number 19 was moved
6 into evidence.)

7 BY MS. RICHARDSON:

8 Q. And obviously you used the picture from DMV on
9 that?

10 A. Uh-huh. Yes, ma'am.

11 Q. Okay. And on that press release, what details did
12 you disseminate to the public and other agencies regarding
13 his missing status?

14 A. It says that on 3/9/2017 Leon Harrison Jr., his
15 date of birth, 9/4/1984, 32-years old, was reported missing
16 by a family member. Harrison was last seen on Saturday
17 night 2/25/2017 between the hours of 10:00 and 11:00 p.m. by
18 his wife at 1015 Highmarket Street in the City of
19 Georgetown.

20 Harrison's a black male, approximately 5'8" and
21 weighs 217 pounds with an unknown -- or unknown last seen
22 clothing description. If Mr. Harrison is located, please
23 contact Investigator Bert Powell.

24 Q. And you gave your contact information?

25 A. Yes, ma'am.

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1 Q. Let me gather these.

2 What was the next step that you took in your
3 investigation?

4 A. It would appear that Ms. Rosario Grate came into
5 the Georgetown Police Department to also talk about her --
6 talk about Mr. Leon Harrison Jr. being missing.

7 Q. Okay. And from her, did you learn any more about
8 his last contacts on February 25th?

9 A. Yes, ma'am. When she came in, she admitted that
10 she and Mr. Harrison had a -- had a -- they were boyfriend
11 and girlfriend. She told us that she had last seen him on
12 Saturday night, February 25, 2017, it says around 21, 23
13 hours before she had last talked to him -- on that night
14 around 21, 23 hours by her cell phone.

15 She said that she had dropped him off at his dad's
16 house at 1514 Front Street around nine o'clock and he was
17 wearing some black jeans that were dirty from work and plain
18 blue or black T-shirt and work shoes.

19 Q. And did she indicate there had been any other
20 contact with him that night? And she's going to testify, so
21 instead of going through everything she says just...

22 A. Okay. She said she had contact from his phone
23 later that night around 11:00 o'clock.

24 Q. And did she say that he had called her?

25 A. She said it wasn't Mr. Harrison Jr. that called,

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1 it was actually his wife.

2 Q. And did she have any messages or anything like
3 that that she told you about?

4 A. She said that there was a message -- two voice
5 mails left and then a text message.

6 Q. And at that time did you ask for her phone so that
7 you could get those voice mails?

8 A. Yes, ma'am. She voluntarily turned it over to us
9 to be dumped.

10 Q. All right. Let me -- and you have people sign
11 when they that? Sign a consent form?

12 A. Yes, ma'am.

13 Q. Let me show you what's been marked as State's
14 Exhibit 20.

15 Can you tell us what that is?

16 A. It's the police department consent search form
17 signed by Ms. Rosario Grate and my name. It says on here,
18 We would like to conduct a complete search of her cell
19 phone, which was a Samsung Galaxy Smartphone and she signed
20 at the bottom.

21 Q. And that's an accurate copy of the consent form
22 that she gave?

23 A. Yes, ma'am.

24 MS. RICHARDSON: Your Honor, at this time, I'd
25 offer State's 20 into evidence.

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1 THE COURT: All right. Any objection,
2 Mr. Hazzard?

3 MR. HAZZARD: No, sir.

4 THE COURT: Mr. Voigt?

5 MR. VOIGT: No, sir.

6 THE COURT: Mr. Edgeworth?

7 MR. EDGEWORTH: No, sir.

8 THE COURT: All right. Admitted without
9 objection.

10 (WHEREUPON, State's Exhibit Number 20 was moved
11 into evidence.)

12 BY MS. RICHARDSON:

13 Q. After receiving the voice mail from Ms. Grate, did
14 you interview anyone else?

15 A. We went and talked to Ms. Rhue again.

16 Q. And were there any -- what about Meyan Thomas, was
17 she also interviewed?

18 A. I think she was.

19 Q. And that was by Officer Morris -- Investigator
20 Morris?

21 A. Yes, ma'am.

22 Q. He got some additional information from her?

23 A. Yes, ma'am.

24 Q. And after that what did -- what did you do?

25 You had -- did you go back to meet with or did you

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1 ask to meet with Ms. Tiesh Rhue?

2 A. Yes, ma'am.

3 Q. Okay. Tell me how you did that.

4 A. We went down to the steel mill and asked her if
5 she'd come to the police department and speak with us and
6 she agreed voluntarily.

7 Q. How did she get to the police department?

8 A. I think we took her there because her car was
9 wrecked or something.

10 Q. And did you threaten her or promise her anything
11 to get her to go with you?

12 A. No, ma'am.

13 Q. And did she appear to be under the influence or
14 not in her right mind?

15 A. No, ma'am.

16 Q. And she agreed just to come and talk with you?

17 A. Yes, ma'am.

18 Q. Was she placed in handcuffs or anything like that?

19 A. No, ma'am.

20 Q. And so you took her back to the police department,
21 which isn't all that far from the steel mill, right?

22 A. No, ma'am.

23 Q. Just a few blocks or...

24 A. Couple miles, maybe.

25 Q. Okay. And you went into an interview room?

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1 A. Yes, ma'am.

2 Q. And who was with you?

3 A. Investigator Morris.

4 Q. Was that interview recorded?

5 A. Yes, ma'am.

6 Q. Let me show you what's previously been marked as
7 State's Exhibit Number 2 for identification only.

8 Do you recognize that?

9 A. Yes, ma'am.

10 Q. Tell me what it is.

11 A. Looks like a DVD of Tiesh Rhue interview from
12 March 10, 2017.

13 Q. And how do you know that's what it is?

14 A. I've got my initials on top where I've verified
15 it.

16 Q. And is that an accurate reflection of the
17 interview that you did with Ms. Rue, you and Mr. -- and
18 Investigator Morris?

19 A. Yes, ma'am.

20 MS. RICHARDSON: What has been marked as State's
21 Exhibit Number 21, labeled Court Exhibit Tiesh Rhue
22 March 10, 2017 redacted interview. Your Honor, at this time
23 this would be the -- based on the Court's rulings and the
24 discussions of the party, would be the version that we would
25 ask to submit into evidence at this time, State's 21, and

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1 publish to the jury.

2 THE COURT: All right. Mr. Hazzard, any
3 objections?

4 MR. HAZZARD: Your Honor, we have a matter to take
5 up outside of the presence of the jury.

6 THE COURT: All right. Ladies and gentlemen,
7 there's going to be a matter of law, and I told you that
8 basically matters of law are what I end up ruling on, which
9 are matters of fact that is the evidence, that's what you
10 weigh. I'm going to have to excuse you to the jury room.
11 We'll get you back in here as soon as I can. So thank you
12 very much.

13 Anything before we release the jury to the jury
14 room from the State?

15 MS. RICHARDSON: No, Your Honor.

16 THE COURT: Any of the defense?

17 MR. HAZZARD: No, sir.

18 THE COURT: All right. Go right ahead. Thank
19 you.

20 (WHEREUPON, the jury exited the courtroom at 9:46
21 a.m.)

22 THE COURT: Mr. Hazzard, I'm happy to hear from
23 you, sir.

24 MR. HAZZARD: Thank you, Your Honor. As the Court
25 indicated previously, I guess we gotta do this old school,

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1 which I guess would mean we need to review it to make sure
2 that the Court's redact -- ordered redactions were done
3 appropriately prior to it being published to the jury.

4 THE COURT: So is it fair to say that you have not
5 had an opportunity to review the document?

6 MR. HAZZARD: Yes, sir.

7 THE COURT: All right.

8 MR. HAZZARD: Not the redacted version.

9 THE COURT: The redacted version?

10 MR. HAZZARD: Yes.

11 MS. RICHARDSON: I would say the redacted times.

12 And we had this, you know -- again, Your Honor
13 we --

14 THE COURT: Well, let -- let's see if we can do
15 that. I just don't know how to address this. We may as
16 well do it now, fortunately or unfortunately, because what I
17 don't want to do is get into playing the video, having
18 somebody stand up and -- and interrupting the video.

19 And I'm sure, Solicitor, you'd want this video to
20 be played interrupted [sic] as it relates to that also. You
21 wouldn't want it to be interrupted, so I think we gotta do
22 that.

23 MS. RICHARDSON: No. I apologize, Your Honor,
24 that was one of the concerns that I did have yesterday is
25 that we were doing these redactions at -- there just wasn't

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1 sufficient time for them to review them.

2 THE COURT: Well, I mean, I understand that, but
3 we got a trial and you know --

4 MS. RICHARDSON: I know.

5 THE COURT: How long is it going to take to set it
6 up? How long is the video?

7 MS. RICHARDSON: I've got the times written down,
8 Your Honor. Your Honor, this initial video was
9 53-and-a-half minutes.

10 THE COURT: Were you planning on playing the
11 entire video?

12 MS. RICHARDSON: Of this one, Your Honor? Yes.

13 THE COURT: Yes, ma'am.

14 MS. RICHARDSON: Yes, Your Honor, of this one.
15 The second one is significantly shorter. It was an hour and
16 fourteen minutes and Your Honor reviewed -- ruled that the
17 majority of that was custodial, so it is I think 22, 26
18 minutes -- 22 to 26 minutes, the second one.

19 But the first one is the long -- and if they
20 are -- if we don't want to play the entire thing, we can go
21 to the portions that -- they were ruled to be redacted.

22 Did y'all write the times down on that?

23 THE COURT: All right. Let's -- let's do that. I
24 think she wrote the times down on that. Let's do that.

25 Is that sufficient, Mr. Hazzard?

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1 MR. HAZZARD: Yes, sir, I would think so.

2 THE COURT: Thank you, sir. Mr. Voigt?

3 MS. RICHARDSON: That would be a way to expedite
4 it.

5 MR. VOIGT: Yes, Judge. This is one where I'm not
6 going to be the heavy, so.

7 THE COURT: Well, let's see -- I'm sorry?

8 MR. VOIGT: I said this is one where I'm not going
9 to be the heavy. So I'll be the heavy elsewhere, but on
10 this one, let's just move it along.

11 THE COURT: All right. Let's see if we can do it
12 that way and address those issues. And then on the off
13 chance that something else comes up, if there needs to be
14 objection during the video, I -- I understand and we'll have
15 to deal with it.

16 Is that -- is that satisfactory with the State?

17 MS. RICHARDSON: Yes, Your Honor, because I'm not
18 claiming to be perfect. We can try to do this and that was
19 one of my concerns yesterday.

20 THE COURT: Well, let's go ahead -- let's go ahead
21 and see if we can do that as it relates to those times and
22 what Mr. Hazzard said would be acceptable to him, which I
23 certainly think is reasonable right now. Thank y'all.

24 MR. HAZZARD: Yes, sir.

25 MS. RICHARDSON: And I think we don't need the big

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1 TV for that we can just do it this way.

2 (WHEREUPON, there was a pause in proceedings.)

3 THE COURT: Sir, do you want to step down or
4 stretch or whatever, that's fine with me. Is it all right
5 if he wants to stretch or stand up. You don't need him
6 right there do you?

7 MS. RICHARDSON: That's fine.

8 THE COURT: Feel free to sir, thank you.

9 MS. RICHARDSON: Okay. The first redaction is at
10 the 13:09 to 13:15 mark. What has been redacted, on the
11 interview it said, Yeah, my dad and my brother. Because on
12 the next morning, the police came and picked my brother up
13 for a warrant.

14 We redacted, The police came and picked my brother
15 up for a warrant.

16 (WHEREUPON, the video recording was played.)

17 MS. RICHARDSON: That's the first redaction.

18 Okay. The next redaction -- Your Honor, are you
19 okay if I sit down while I do this?

20 THE COURT: Of course.

21 MS. RICHARDSON: The next redaction is at the
22 18:15 mark. We redacted from 18:15 to 18:32. Investigator
23 Morris says, All right. Well, we've been getting phone
24 calls all morning. She said, Okay. He said, Okay, we've
25 been getting calls from D.C., all over the place, and

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1 everybody's saying the one -- you're the one that we need to
2 look at.

3 I'm going to go a little ahead of the 18:15 mark.

4 (WHEREUPON, the video recording was played.)

5 MS. RICHARDSON: The next one that we have is
6 19:57 -- or 37 to 19:40. And that is -- that is the portion
7 regarding them asking for consent to search the residence.

8 (WHEREUPON, the video recording was played.)

9 MS. RICHARDSON: Okay. Will y'all let me know if
10 we need to stop and talk about anything?

11 Okay. The next redaction is at 19:56 to 20:24.
12 And that's regarding additional tips.

13 (WHEREUPON, the video recording was played.)

14 MS. RICHARDSON: The times at that 19:56 make --
15 initially we just redacted a smaller portion of that, but
16 that -- so there's portions between the 19:37 and 20:24 that
17 were redacted. I guess we can ---

18 MR. HAZZARD: Can we go back to 19:30 or 19:35,
19 please?

20 (WHEREUPON, the video recording was played.)

21 MS. RICHARDSON: So that was two separate
22 redactions. One that was like 19:37 to 19:40, and then a
23 few seconds were played and then 19:56 to 20:24 was
24 redacted. That's what we just played.

25 Everybody good?

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1 Okay. So it's kind of in the same paragraph, is
2 why I guess it's broken apart like that.

3 And then the next one is the 25:38 mark. And,
4 again, this is about the people calling, the tips. It's
5 25:38 to 25:39, we just redacted the portion.

6 Ms. Rhue said, I'm listening to what you said and
7 you said people were calling in. We took out the, You said
8 people were calling in, and then started back. That's why
9 it's such a short window there, but I'll play that.

10 (WHEREUPON, the video recording was played.)

11 MS. RICHARDSON: Sorry. I was at the wrong spot.
12 I apparently saw a five instead of a two there.

13 THE COURT: All right.

14 MS. RICHARDSON: So now I'm going to 25:38. I'm a
15 little ahead of it for the context.

16 (WHEREUPON, the video recording was played.)

17 MS. RICHARDSON: This is the next part that was
18 redacted. At 12:47, I was letting you know what we've got
19 that's coming in, that portion is what is redacted, right
20 here.

21 MR. HAZZARD: 12:47?

22 MS. RICHARDSON: 12:47 to 12:49 just where he
23 says, This is what was coming in.

24 MR. HAZZARD: I thought we were in the 25 to
25 30-minute range.

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1 MS. RICHARDSON: 25:47.

2 (WHEREUPON, the video recording was played.)

3 MS. RICHARDSON: And then it goes down to -- the
4 next redaction is at 26:12 and he -- this is where
5 Investigator Morris asks about the residence again, about
6 consent to search the residence, asks about weed or says
7 don't worry about weed and that was a redaction that was
8 ordered.

9 So that's from 26:12 to 26:41.

10 (WHEREUPON, the video recording was played.)

11 MS. RICHARDSON: And then the next one is at --
12 from 39:07 to 39:41. And it's, again, about, All the calls
13 that we have gotten that your brother was involved. 39:07
14 to 39:41 has been redacted.

15 (WHEREUPON, the video recording was played.)

16 MS. RICHARDSON: And the last batch is from 45:35
17 to 45:38 is about the nude pictures.

18 (WHEREUPON, the video recording was played.)

19 MR. EDGEWORTH: The other one was at 45:07, before
20 that.

21 MS. RICHARDSON: I didn't think ---

22 And the second part right now is 45:35 to 45:38.
23 There's another -- there were two references back to the
24 nude pictures. And that was the end of the redactions on
25 the March 10th interview.

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1 THE COURT: All right. As it relates to
2 redactions it seems that those were consistent with the
3 rulings that I made. Mr. Hazzard?

4 MR. HAZZARD: I concur, Your Honor.

5 THE COURT: All right. Mr. Voigt?

6 MR. VOIGT: I concur, Your Honor.

7 THE COURT: Mr. Edgeworth?

8 MR. EDGEWORTH: Yes, Your Honor, as what we've
9 seen, yes.

10 THE COURT: All right. If there is an issue that
11 arises, of course, I mean, I understand that you need to
12 make an objection, but I believe we've got everything.

13 Solicitor, thank you for your work on that.

14 MS. RICHARDSON: Thank Ms. Smith, but is -- did
15 anybody have any other times noted where there might have
16 been a problem? Okay.

17 THE COURT: All right.

18 MR. VOIGT: May I have two minutes, Your Honor,
19 while they set this up?

20 THE COURT: Hold on. Yeah, hold on one second.

21 So is there another video that you're going to
22 play that we need to look at? Or do we -- or can just do
23 this one?

24 Let's just do this -- let's just do this one.

25 Let's take two minutes, three -- I'll give you -- I'll give

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1 you four minutes.

2 MR. VOIGT: I can handle that.

3 THE COURT: I need four.

4 MR. HAZZARD: Your Honor, if I might?

5 THE COURT: Yes, sir.

6 MR. HAZZARD: I believe she said the second one is
7 only about 22 minutes. If that's actually going to be the
8 second one in order, I would think we can probably knock
9 that out pretty quickly and then just roll through at least
10 those two with the jury?

11 THE COURT: Well, how do you want to ---

12 MS. RICHARDSON: Well, I wasn't going to play them
13 back to back. I was going to put in the other exhibits
14 between. But, I mean, if you want to.

15 THE COURT: Let's go ahead. That's going to end
16 up being 50 minutes, a few other exhibits between hand.
17 I'll give the jury a break, that will probably push us to
18 11:30. We'll get the jury back in here and then we'll do
19 that afterwards, but thank you.

20 MR. HAZZARD: Yes, sir.

21 THE COURT: Yes, sir. We'll be at ease for or
22 five -- four minutes.

23 (WHEREUPON, there was a break held from 10:10 a.m.
24 until 10:16 a.m.)

25 THE BAILIFF: All rise.

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1 (WHEREUPON, the jury entered the courtroom at 1016
2 a.m.)

3 THE COURT: Ladies and gentlemen, welcome back.
4 Solicitor, are you ready to proceed and our
5 witness is here? Great. Thank you very much.

6 MS. RICHARDSON: Your Honor, at this time the
7 State offers State's Exhibit Number 21 into evidence. This
8 would be the interview of Tiesh Rhue from March 10, 2017 as
9 redacted pursuant the order of the Court.

10 THE COURT: All right. Mr. Hazzard, any
11 objection?

12 MR. HAZZARD: No, sir.

13 THE COURT: All right. Mr. Voigt?

14 MR. VOIGT: No, sir.

15 THE COURT: Mr. Edgeworth?

16 MR. EDGEWORTH: No, Your Honor.

17 THE COURT: Great. Okay.

18 MS. RICHARDSON: Permission to go ahead and
19 publish that to the jury, Your Honor?

20 THE COURT: Admitted without ---

21 MS. RICHARDSON: Can we just make sure they can
22 see this, the ones in the front is that too ---

23 THE COURT: Yes. Admitted without objection,
24 understanding prior -- prior agreement, prior
25 representations that the Court made and you certainly can

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1 publish this to the jury, yes, ma'am.

2 (WHEREUPON, State's Exhibit Number 21 was moved
3 into evidence.)

4 THE COURT: And I'm going to allow them -- ladies
5 and gentlemen I'm just allowing the lawyers so that they can
6 get a look at the TV to move. So that's why I've already to
7 talked to them about that. Thank you very much.

8 MR. HAZZARD: And for the record, Your Honor, I've
9 asked Mr. Rhue Sr., if he wants to come over and watch it,
10 he says he can hear it just fine.

11 THE COURT: All right.

12 MR. HAZZARD: So he says he'll listen to it from
13 where he is.

14 THE COURT: Thank you very much.

15 MR. HAZZARD: Yes, sir.

16 MR. EDGEWORTH: Likewise, Your Honor.

17 THE COURT: Thank you very much.

18 MS. RICHARDSON: And I would just ask that anyone
19 sitting, if they can't see or hear, so that we can adjust.

20 THE COURT: All right. Thank you.

21 (WHEREUPON, a video recording was played for the
22 jury.)

23 THE COURT: Can we move the TV out the way? I
24 want to make sure the Defense Counsel can see the witness
25 and the jury.

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1 MS. RICHARDSON: Okay. We're going to use it
2 again in just a minute, though.

3 THE COURT: Thank you, ma'am.

4 Go ahead, Solicitor.

5 BY MS. RICHARDSON:

6 Q. All right. And after that, did you have an
7 opportunity to go to the home on 1015 Highmarket Street?

8 A. Yes, ma'am.

9 Q. And who went with you there?

10 A. Investigator Morris, Lieutenant Walton, Captain
11 Pierce.

12 Q. And y'all were searching that residence?

13 A. Yes, ma'am.

14 Q. And at that time you were looking for proof that
15 he lived there?

16 A. Yes, ma'am, proof of residency.

17 MR. VOIGT: Judge, at this time, I'm going to
18 renew my objection that was made previously, just for record
19 purposes.

20 THE COURT: All right. Go ahead.

21 MR. HAZZARD: Your Honor, please note -- I
22 apologize. Please note my objection, as well, and allow it
23 to run through the course of this.

24 THE COURT: Yes, sir.

25 MR. EDGEWORTH: Same thing, Your Honor, objection.

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1 THE COURT: Yes, sir.

2 BY MS. RICHARDSON:

3 Q. All right. Let me show you what's been marked as
4 State's 22 and 23 for identification.

5 Can you tell me what those are?

6 A. This is a bottle of pills with Leon Harrison's
7 name on them.

8 This is a document taken from the State of South
9 Carolina, Social Service -- or Child Support Division with
10 Leon Harrison Jr.'s name on it and his address.

11 This one is from the Department of Social Services
12 Child Support with Leon Harrison's name and address on it.

13 This is from South Carolina Department of Motor
14 Vehicles. It's got Leon Harrison's name and address on it
15 of 1015 Highmarket Street, just like these two here.

16 This is a loan payment receipt that has Leon
17 Harrison Jr.'s address on it -- name and address on it for
18 1015 Highmarket Street.

19 These are the Prince George's County, Maryland,
20 Automated Enforcement Program. I think it's like their toll
21 or ticket system. It's got Mr. Leon Harrison's name on it
22 with his address in Georgetown at 1015 Highmarket Street.
23 It's their traffic control signal violation paperwork here.

24 And this is another one, I think it might be
25 insurance or something, but it also has Mr. Leon Harrison's

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1 address, 1015 Highmarket Street, Georgetown.

2 Q. And did you collect those documents and the
3 medicine from the residence?

4 A. Yes, ma'am, and placed them into evidence at
5 Georgetown Police Department.

6 Q. And where did you find them?

7 A. They were found -- the documents were located in
8 the -- in their bedroom in the house in a two-drawer plastic
9 container.

10 MS. RICHARDSON: Your Honor, at this time, I move
11 these items, 22 and 23 into evidence.

12 THE COURT: Subject to prior objection?

13 MR. VOIGT: Yes, Your Honor.

14 THE COURT: Of all Counsel?

15 MR. HAZZARD: Yes, sir.

16 MR. EDGEWORTH: Yes, sir.

17 THE COURT: All right. Admitted subject to
18 objection.

19 (WHEREUPON, State's Exhibit Numbers 22 and 23 were
20 moved into evidence.)

21 BY MS. RICHARDSON:

22 Q. And were photographs taken while y'all were in --
23 the police department was in the residence?

24 A. Yes, ma'am.

25 Q. And who -- and you were present when those were

BERT POWELL - DIRECT BY MS. RICHARDSON

1 taken?

2 A. Yes, ma'am.

3 Q. And did you go into the residence on a subsequent
4 occasion?

5 A. Yes, ma'am.

6 Q. And that was on March 14th?

7 A. Yes, ma'am.

8 Q. And was the house in substantially the same
9 condition on the 10th as it was on the 14th?

10 A. Yes, ma'am.

11 Q. Let me show you -- let me show you what's been
12 previously marked as State's Exhibit Number 24 and see if
13 you recognize that.

14 A. That would be a thumb drive or flash drive that
15 has pictures on it of 1015 Highmarket Street.

16 Q. Okay. And on what date?

17 A. 3/10.

18 Q. Okay. That would be the first time that y'all
19 were at the residence?

20 A. Yes, ma'am.

21 Q. Okay. And how do you know that's what it is?

22 A. I reviewed it yesterday.

23 Q. Okay. And you initialed the flash drive?

24 A. Yes, ma'am.

25 Q. And that's an accurate reflection of the pictures

BERT POWELL - DIRECT BY MS. RICHARDSON

1 that were taken?

2 A. Yes, ma'am.

3 MS. RICHARDSON: Your Honor, at this time, I'd
4 offer State's 24 into evidence.

5 THE COURT: Mr. Hazzard?

6 MR. HAZZARD: Subject to precious objection, Your
7 Honor.

8 THE COURT: Mr. Voigt?

9 MR. VOIGT: Subject to previous objection, Your
10 Honor.

11 THE COURT: Mr. Edgeworth?

12 MR. EDGEWORTH: Subject to the previous objection,
13 Your Honor.

14 THE COURT: All right. Admitted, subject to the
15 previous objection.

16 Thank you, Solicitor. Go ahead.

17 (WHEREUPON, State's Exhibit Number 24 was moved
18 into evidence.)

19 MS. RICHARDSON: Your Honor, I seek to publish
20 this to the Jury. We need to move the TV back out.

21 THE COURT: That will be fine. And, again, if
22 Counsel needs to move, feel free to do so.

23 MR. HAZZARD: Thank you, Your Honor.

24 MS. RICHARDSON: Your Honor, we're having some
25 technical difficulties. I think we pulled this drive out

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1 without -- we'll work on it and I'll keep on questioning
2 him.

3 THE COURT: Okay. That would be excellent.

4 MS. RICHARDSON: I promise you we practiced it --
5 or we checked it out this morning.

6 THE COURT: Well, everybody just be careful around
7 the cords, okay?

8 MS. RICHARDSON: Okay. Thank you, Your Honor.

9 THE COURT: All right.

10 BY MS. RICHARDSON:

11 Q. All right. So when -- after you located the
12 documents ---

13 A. Yes, ma'am.

14 Q. Or when you were looking for the documents, did
15 you look in any other areas?

16 A. We checked the whole room and the house.

17 Q. And what was the condition of the room?

18 A. Not neat, it was kind of messy. Stuff in
19 different places and it wasn't, like, neatly stacked or
20 anything. It was just kind of disarray.

21 Q. And did you notice anything that was unusual? Or
22 you or one of your officers?

23 A. Repeat that, please.

24 Q. Did you notice anything else? When you were
25 searching the -- the house, did you notice anything else

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1 that led to a subsequent search?

2 MR. VOIGT: Objection to the form of the question,
3 Your Honor.

4 THE COURT: Sustained.

5 BY MS. RICHARDSON:

6 Q. What happened next?

7 A. While we were searching the room, we found an area
8 in front of the closet that was just -- it looked -- it just
9 didn't look right. It looked like a -- like a rug and a
10 blanket on the floor like going into to walkway of the
11 closet.

12 Q. What kind of flooring was on the remainder of the
13 room?

14 A. Carpet.

15 Q. Okay. So at that point, what did y'all do?

16 A. So we found a -- when we found the rug, blanket,
17 whatever it was that was on the floor, it was lifted on --
18 it was lifted up from where it was placed at.

19 Q. And what was underneath?

20 A. It looked like the carpet had been cut and it was
21 just -- had like carpet padding, like the carpet that was on
22 top of the padding was removed.

23 Q. Okay. I believe the photos are up now. So I'm
24 going to the first photo, which is on the disk it's Photo
25 446.

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1 Is that the residence at 1015?

2 A. Yes, ma'am.

3 Q. I'm just going to scroll through these.

4 Can you describe what we're seeing here? This is
5 456.

6 A. That looks like coming into the front door and
7 going into the living room.

8 This is will be the kitchen.

9 Q. Okay. And this, Number 462?

10 A. That looks like the bedroom -- straight ahead
11 would be the bedroom door for Ms. Tiesh Rhue and Mr. Leon
12 Harrison Jr.'s bedroom.

13 Q. And in that there's some paperwork laying on the
14 floor?

15 A. Yes, ma'am.

16 Q. And the dresser or the drawer with the -- where
17 you found the paperwork, is that visible in that photo?

18 A. I think it's that -- right past where that paper's
19 laying on the right. I think that's the little container --
20 two-drawer container that the documents were found.

21 Q. And this is showing the other bedrooms in the
22 house?

23 A. Yes, ma'am.

24 Q. This bedroom, 468, with a bunk bed?

25 A. Yes, ma'am.

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1 Q. All right. Now, I'm directing you to Photograph
2 478. Is that you?

3 A. Yes, ma'am.

4 Q. Okay. Describe what we're seeing here.

5 A. I am holding two cotton swabs that we use to do a
6 presumptive field blood test on a spot that's on the carpet
7 padding that we found under the flannel rug -- or the rug
8 and the flannel blanket.

9 Q. Okay. And in 479?

10 A. Those are the two swabs we used.

11 Q. And in 486?

12 A. That would be the -- the carpet padding where the
13 carpet was removed -- under where the carpet was removed.

14 Q. Okay.

15 A. And there's a stain right there.

16 Q. Okay. And at that point what did you do?

17 A. We stopped our search and had Investigator
18 Anderson get another search warrant.

19 Q. Okay. And I'm just going to scroll through this
20 real fast.

21 Just going to direct you back to that bedroom.

22 We are having some trouble with this disk. Let me
23 show you -- can you identify that?

24 A. It says Crime Scene Photos 3/10/2017 for the case
25 that we're hearing today and my initials are on the top of

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1 the -- top side of the CD.

2 Q. And that is -- that's the same photos?

3 A. Yes, ma'am.

4 MS. RICHARDSON: Your Honor, at this time, I'd
5 offer 25 into evidence.

6 THE COURT: All right. Mr. Hazzard?

7 MR. HAZZARD: Subject to previous objection, Your
8 Honor.

9 THE COURT: Mr. Voigt?

10 MR. VOIGT: Subject to my previous objection.

11 THE COURT: Mr. Edgeworth?

12 MR. EDGEWORTH: Subject to the previous objection,
13 Your Honor.

14 THE COURT: I understand. Admitted subject to
15 previous objections.

16 (WHEREUPON, State's Exhibit Number 25 was moved
17 into evidence.)

18 MS. RICHARDSON: Your Honor, just to advise
19 everybody, we had an error message on this flash drive this
20 morning and thought it had been scanned and fixed,
21 apparently it is not.

22 BY MS. RICHARDSON:

23 Q. Okay. Now, I'm directing you to Photo 538.

24 Can you tell us what that is again?

25 A. That looks like the entrance to the bedroom for

BERT POWELL - DIRECT BY MS. RICHARDSON

1 Ms. Tiesh Rhue and Mr. Leon Rhue [sic] Jr.

2 MS. RICHARDSON: Can you make sure to keep that
3 microphone up?

4 THE COURT: Be sure to keep that mic close to you.

5 THE WITNESS: Yeah.

6 BY MS. RICHARDSON:

7 Q. Okay. And now to Photo 540?

8 A. That will be the -- that will be in that same
9 room. That's the entrance to the hallway and over there by
10 the mirror is where the carpet was cut out and just some
11 exposed padding.

12 Q. And I will direct your attention -- if you can see
13 my mouse -- what -- what was over in this area?

14 A. Looks like a tote there. I remember there being
15 maybe a tote or a container there.

16 Q. Okay. And again, 541 is another photograph of
17 that?

18 A. Yes, ma'am. That's a photo of the carpet padding
19 where the carpet was cut away and then the blanket -- the
20 flannel blanket and rug was over that.

21 Q. And I'm just going to 542, 543. And then
22 directing your attention to 545.

23 Tell us what we're seeing there.

24 A. That was an item marker or, like, the evidence
25 marker and that would be marking where the stain -- the

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1 stain is -- excuse me -- the stain is that we tested with
2 the presumptive field blood test kit.

3 Q. And I'm just scrolling through these. Okay.

4 And again on 556? Is this the same area by the
5 closet?

6 A. It looks to be the same blanket.

7 Q. And again over ---

8 A. In a tote -- in a tote nearby the -- kind of near
9 the foot of the bed.

10 Q. Okay. And tell me about that tote.

11 A. So the blanket and the -- or whatever it was that
12 was covering this one up, the tote was on top of it.

13 Q. Okay. So going back to 557, in the top of photo
14 this is the area by the closet; is that correct?

15 A. With that close up, I can't tell which one it is.
16 All I know is this tote -- this little green, whatever this
17 is, was over by the bed on top of that -- well, this -- in
18 this picture.

19 Q. Okay. And that's 558. And is that second area?

20 A. Yes, ma'am.

21 Q. Okay. And who discovered that?

22 A. I did.

23 Q. And this area, 561?

24 A. That's going to be the -- that would be the
25 entrance to the closet where we removed that carpet padding.

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1 Q. And that's the first spot -- and who actually
2 removed the carpet padding?

3 A. I did. I cut it out.

4 Q. You cut it out on the first spot?

5 A. Ma'am?

6 Q. You cut it out on the first spot by the closet?

7 A. Yes, ma'am.

8 Q. Okay. And when you cut that, did you take any
9 precautions to avoid contamination?

10 A. Yes, ma'am. We had gloves on.

11 Q. And then another marker was placed on top of the
12 spot?

13 A. Yes, ma'am.

14 Q. Okay. And tell us what we're seeing here.

15 A. That spot is a -- that is what we believe to be
16 dry blood under the carpet padding.

17 Q. And these are just -- these other photos just
18 measurements of the -- the size of the area?

19 A. Yes, ma'am.

20 Q. 569.

21 Okay. And looking at Photo 575, it has Marker 3,
22 is that the second area that was located?

23 A. That was the second area, yes, ma'am, just in
24 front of the bed.

25 Q. Okay. And that's the one that had the tote over

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1 it?

2 A. Yes, ma'am.

3 Q. And what did you do in reference to that area?

4 A. We also cut that carpet padding out as well.

5 Q. And you did that --

6 A. And we did a presumptive blood test on the stain
7 we found there as well. It also tested positive for
8 possible blood.

9 Q. Okay. And these are just more photos of that
10 second area with the padding on it?

11 A. Yes, ma'am.

12 Q. And this is Photo 593. Tell me about that.

13 A. This is -- this is that area that we just looked
14 at pictures of, but after the -- after the padding has been
15 removed. And then this is what we found under the padding
16 which we believed to be blood as well -- dried blood as
17 well.

18 Q. That had soaked into the subfloor?

19 A. Yes, ma'am.

20 Q. Okay. Now, when you cut this, how -- how did you
21 cut it?

22 A. We used a knife. Had gloves on and just used a
23 knife to cut it on the edges where you see it's trimmed or
24 cut out.

25 Q. And as far as the carpeting?

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1 A. The carpeting, we didn't cut the carpet.

2 Q. Okay.

3 A. The carpet portion -- the carpet was gone. It was
4 just the blankets that were covering these spots, once those
5 were removed it was padding and the carpet had already been
6 removed from those square spots that you see or whatever
7 shape they are. And we actually removed the padding due to
8 the presumptive field blood test kits.

9 Q. And when you removed the padding, did you cut any
10 additional carpeting?

11 A. No, ma'am.

12 Q. Did you take any steps to prevent that?

13 A. Well, we went on -- as you can see went inside
14 where the carpet was already cut, so we didn't actually cut
15 the carpet.

16 Q. Okay. I'm going to show you and open what has
17 been marked as State's Exhibit 26. I do not have any
18 gloves, so we are going to...

19 Do you recognize the packaging? Is this what your
20 police department uses?

21 A. Yes, ma'am. And the bag ---

22 Q. All right. So if you'll open that and let's see
23 if you recognize this.

24 A. It's the carpet that we cut out.

25 MS. RICHARDSON: Talk into the microphone.

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1 THE COURT: Speak up.

2 THE WITNESS: I'm sorry. This would be the carpet
3 padding that we cut out from the house we were at.

4 MS. RICHARDSON: Your Honor, at this time, I'd
5 offer State's 26 into evidence.

6 THE COURT: Mr. Hazzard, any objection?

7 MR. HAZZARD: I'm sorry. What is State's 26?

8 THE COURT: This is 26. I believe it's the carpet
9 padding.

10 MR. HAZZARD: Subject to previous objection, Your
11 Honor.

12 THE COURT: Yes, sir. Mr. Voigt?

13 MR. VOIGT: Subject to previous objection, Your
14 Honor.

15 THE COURT: Mr. Edgeworth?

16 MR. EDGEWORTH: Subject to previous objection.

17 THE COURT: All right. It's admitted subject to
18 defense's previous objections.

19 (WHEREUPON, State's Exhibit Number 26 was moved
20 into evidence.)

21 BY MS. RICHARDSON:

22 Q. And would you hold that up for the Jury, please?

23 A. (Witness complied.)

24 Q. Thank you.

25 THE COURT: Is he going to need to continue to use

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1 the gloves?

2 MS. RICHARDSON: Yes.

3 THE COURT: All right.

4 BY MS. RICHARDSON:

5 Q. And then you also cut the smaller section of
6 carpet as well?

7 A. Yes, ma'am.

8 Q. That was stained?

9 And what did you once you cut that?

10 A. We bagged it up in a bag.

11 Q. Okay.

12 A. We also sent samples off to be tested.

13 Q. And subsequent to this, did you meet with Ms. Rhue
14 again?

15 A. Yes, we did.

16 Q. And when was that?

17 A. The 11th, Saturday the 11th at 11:25 a.m. at the
18 Georgetown Police Department.

19 Q. And how did she get there that time?

20 A. I think we took her that time as well.

21 Q. And did you take her into custody or arrest her at
22 that point?

23 A. No, ma'am. We asked her if she'd come back down
24 and talk with us and she agreed to.

25 Q. Okay. Did you threaten her, promise her, or

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1 coerce her, or anything to get her to do that?

2 A. No, ma'am.

3 Q. And did she appear to be under the influence?

4 A. No, ma'am.

5 MS. RICHARDSON: Your Honor, at this point, I
6 believe we are going to need a break like before.

7 THE COURT: All right. Ladies and gentlemen,
8 let's take a break at this point and I'll get you back in
9 here as soon as I can. Thank you.

10 Again, please don't talk about the case until I
11 instruct you to at the end of the evidence, arguments, and
12 the law. So just talk about whatever you want to talk
13 about, but not the case. Thank you and we'll get you back
14 in here as soon as we can.

15 (WHEREUPON, the jury exited the courtroom at 11:47
16 a.m.)

17 THE COURT: All right. Solicitor, is this where
18 you'll be playing the next video?

19 MS. RICHARDSON: And there will actually be two
20 more that Mr. -- that Officer Powell has done as well.

21 THE COURT: All right. Do we need to do the same
22 redaction or review of the documents -- the videos as we did
23 a few moments ago?

24 Mr. Hazzard, do we need to go back through the
25 videos -- these additional videos that they plan to

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1 anticipate playing? Or have you seen them?

2 MR. HAZZARD: I have not seen them. For the
3 purposes of these next two, are they with regard to
4 Ms. Rhue?

5 MS. RICHARDSON: And then your client as well.

6 MR. HAZZARD: Then, yes, sir.

7 THE COURT: All right. As it relates to Ms. Rhue,
8 do you want to go through videos just as we did ---

9 MR. EDGEWORTH: Yes, Your Honor, the next videos.

10 THE COURT: Let's go ahead and do that as quickly
11 as possible.

12 MS. RICHARDSON: Okay.

13 THE COURT: Because I want to continue.

14 MS. RICHARDSON: This would be premarked as
15 State's 27.

16 THE COURT: All right.

17 MS. RICHARDSON: All right. This is Tiesh Rhue,
18 March 11, 2017 the first redaction. Oh, sorry. I'm sorry.

19 THE COURT: All right. That's all right.

20 MS. RICHARDSON: All right. This is an interview
21 of Tiesh Rhue -- if everybody's ready -- March 11, 2017, the
22 first redaction is at the 6:20 mark. And it was -- what was
23 redacted is, Because we keep hearing his name coming up in
24 all this stuff. Everybody we talked to keeps saying that
25 he's responsible. He's responsible. That's 6:20.

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1 (WHEREUPON, video recording was played.)

2 MS. RICHARDSON: Okay. I 'm sorry. I quoted that
3 wrong. This is actually going to be two redactions back to
4 back. At the 6:20 mark and the 6:29 to 6:44 mark. And it
5 will be a sentence and then some things will come into the
6 next sentence.

7 So these redactions are around 6:20 and -- to
8 6:44, but there's a part that's not redacted in the middle.
9 And this is beginning at 6:10 for context.

10 (WHEREUPON, video recording was played.)

11 MS. RICHARDSON: Okay. That's the first
12 redaction. That's the first two, kind of back to back.

13 THE COURT: All right.

14 MS. RICHARDSON: Then the next one's at 7:13 to
15 7:21 and that's where the statement, Because we keep hearing
16 his name coming up.

17 (WHEREUPON, video recording was played.)

18 MS. RICHARDSON: Then the next redaction's at the
19 9:22 to 9:27 mark, and it's, You know about him getting on a
20 Greyhound bus and going back to D.C.

21 (WHEREUPON, video recording was played.)

22 MS. RICHARDSON: So that was a redaction back to
23 back. The portion that was redacted, you know, anything
24 about him getting on a Greyhound and going back to D.C and
25 then, I don't think that's possible.

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1 Unredacted, He hasn't had -- he hasn't had a job
2 or income. Redacted, Because we had somebody say that he
3 was -- what he did when you guys find out -- like, but,
4 that's a little conflicting, because of the fact that he
5 went to jail. That's the part we just redacted.

6 After that he went to jail, so yeah. On the 26th
7 or 27th when I came and picked him up, which was the day
8 after all this. So that part was redacted, that was through
9 9:47.

10 (WHEREUPON, video recording was played.)

11 MS. RICHARDSON: The next redaction was on 17:33
12 to 17:43. And that's the portion in reference to
13 Mr. Alexander Rhue having a gun.

14 (WHEREUPON, video recording was played.)

15 MS. RICHARDSON: That was the redaction involving
16 the gun, 17:33 to 17:43.

17 MR. EDGEWORTH: I have 19:33.

18 MS. RICHARDSON: I have 19:33, but I think there's
19 one in between we must have didn't write down. So I'm just
20 going to play it.

21 (WHEREUPON, video recording was played.)

22 MS. RICHARDSON: Okay. And that's been redacted.

23 (WHEREUPON, video recording was played.)

24 MS. RICHARDSON: And that's a redaction from, I
25 think it was 18...

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1 What was redacted is -- the first part is, How do
2 you think the relationship between Alex and Leon was? Be
3 honest now.

4 And then what's redacted is, Because what we've
5 been hearing, we've been hearing the same thing from
6 everybody. That's the part that's redacted.

7 Y'all need the very specific time?

8 So there's a short redaction there.

9 (WHEREUPON, video recording was played.)

10 MS. RICHARDSON: And then the next redaction's at
11 19:33 to 19:58. And, again, this is -- it begins with, What
12 we've been told is they hated each other. And there's sort
13 of a discussion about them hating each other's guts, People
14 are saying that -- nobody we talked to has told us that they
15 got along.

16 So that's from 19:33 to 19:58.

17 (WHEREUPON, video recording was played.)

18 MS. RICHARDSON: And then the vehicle -- where did
19 the vehicle come from? Then the video is cut off at 22:06
20 pursuant to the Court's ruling that it became custodial.

21 And I'll just show where it cuts off. And we just
22 ended the video at that point.

23 (WHEREUPON, video recording was played.)

24 MS. RICHARDSON: And that was the ending of the
25 first break.

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1 THE COURT: All right. Thank you, Solicitor.

2 I think that reflected the ruling as it relates to
3 what I ruled from the bench yesterday.

4 Mr. Edgeworth?

5 MR. EDGEWORTH: Yes, Your Honor, it appears so.

6 THE COURT: All right.

7 MS. RICHARDSON: Okay. Then the next one, which
8 would be State's 28, would be the interview of Alexander
9 Rhue, Sr. that occurred at a residence on Palm Street on
10 March 11th, it's captured on body camera. We're showing two
11 redactions.

12 THE COURT: All right.

13 MS. RICHARDSON: The first redaction will be at
14 8:35 to 8:42. I believe that is discussing Alexander Rhue
15 Jr. being taken into custody.

16 THE COURT: Okay.

17 (WHEREUPON, video recording was played.)

18 MS. RICHARDSON: And then the next redaction is at
19 10:22 when Jermayne Rhue is entering.

20 (WHEREUPON, video recording was played.)

21 MS. RICHARDSON: That's all the redactions on that
22 one.

23 THE COURT: Mr. Hazzard?

24 MR. HAZZARD: No objection if it is as stated,
25 yes, sir.

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1 THE COURT: All right. That's great. Anybody
2 else from the Defense? We good?

3 MR. EDGEWORTH: No, Your Honor.

4 THE COURT: Thank you, gentlemen.

5 So what I'd like to do is to take a four-minute
6 bathroom break and then let's get the jury back in here and
7 play these -- work through these videos.

8 MS. RICHARDSON: There's one more. You want to do
9 it later?

10 THE COURT: Yeah. Because the videos now are
11 going to add up to what time?

12 We've got -- well, let's just do those two. By
13 the time you get that done it's gone be -- it'll be one
14 o'clock.

15 MS. RICHARDSON: Okay.

16 THE COURT: All right.

17 (WHEREUPON, there was a break held from 12:10 p.m.
18 to 12:16 p.m.)

19 THE BAILIFF: All rise.

20 THE COURT: All right. I want to go back on the
21 record. And I do want to say, when I said four minutes,
22 that's kind of a joke. And so if people need a longer break
23 than that to go to the restroom, I don't want anybody to
24 think that I'm being serious about that. I want you to take
25 as much time as you need and be as comfortable as you need

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1 to be and I want to let you know that.

2 Is there anything further from the State before we
3 bring the jury back in?

4 MS. RICHARDSON: No, Your Honor.

5 THE COURT: Anything from the Defense,
6 Mr. Hazzard?

7 MR. HAZZARD: No, sir.

8 THE COURT: Mr. Voigt?

9 MR. VOIGT: No, sir.

10 THE COURT: Mr. Edgeworth?

11 MR. EDGEWORTH: No, sir.

12 THE COURT: All right. Let's go ahead and get the
13 jury back in here Mr. Bailiff. Thank you, sir.

14 (WHEREUPON, the jury entered the courtroom at
15 12:16 p.m.)

16 THE COURT: All right. Ladies and gentlemen,
17 thank you for being back here.

18 Solicitor, feel free to continue with this
19 witness.

20 BY MS. RICHARDSON:

21 Q. All right. So I believe where we left off, you
22 said that after you recovered those items and those
23 photographs were taken, you interviewed Ms. Rhue again?

24 A. Yes, ma'am. On Saturday the 11th around 11:25
25 a.m.

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1 Q. Okay. And I think we covered the fact that you
2 transported her there again?

3 A. Yes, ma'am.

4 Q. And was she in handcuffs or anything like that?

5 A. No, ma'am.

6 Q. And was she threatened, promised, anything to talk
7 with you?

8 A. No, ma'am.

9 Q. Okay. Coerced her in any way at that point?

10 A. No, ma'am.

11 Q. Okay. And didn't appear to be under the
12 influence?

13 A. No, ma'am.

14 Q. All right. Let me show you what has been marked
15 as State's Exhibit Number 3 for identification purposes
16 only. Is that a copy of that interview?

17 A. Yes, ma'am.

18 Q. And you initialed it?

19 A. Yes, ma'am.

20 Q. And that was an accurate reflection of the
21 interview from that day?

22 A. Yes, ma'am.

23 Q. And then State's Number 27, Your Honor, would be
24 the version pursuant to the court order that has some
25 redactions that we've already...

BERT POWELL - DIRECT BY MS. RICHARDSON

1 THE COURT: All right.

2 MS. RICHARDSON: At this time I'd offer State's
3 Number 27 into evidence as the redacted version of State's
4 Number 3 and ask to publish it to the Jury.

5 THE COURT: All right. Mr. Hazzard?

6 MR. HAZZARD: No objection.

7 THE COURT: Mr. Voigt?

8 MR. VOIGT: No objection, Your Honor.

9 THE COURT: Mr. Edgeworth?

10 MR. EDGEWORTH: No objection, Your Honor.

11 THE COURT: All right. Admitted without
12 objection. You may publish it.

13 (WHEREUPON, State's Exhibit Number 27 was moved
14 into evidence.)

15 MS. RICHARDSON: Does anyone have any objection to
16 me skipping forward to where the officers come into the
17 room?

18 THE COURT: Mr. Hazzard? Mr. Voigt?

19 MR. HAZZARD: No objection.

20 MR. EDGEWORTH: No objection.

21 THE COURT: No objections. Go ahead.

22 (WHEREUPON, the video recording was played.)

23 MS. RICHARDSON: Your Honor, may we approach?

24 THE COURT: Yes, ma'am.

25 (WHEREUPON, a bench discussion was had.)

BERT POWELL - DIRECT BY MS. RICHARDSON

1 THE COURT: Ladies and gentlemen, we will try to
2 work until one o'clock and then take a lunch. Okay? We'll
3 take lunch at one o'clock, but I want to try to see if we
4 can squeeze 20 more minutes in there, okay? Thank you.

5 BY MS. RICHARDSON:

6 Q. All right. And after you interviewed her, did you
7 go interview the father?

8 A. Yes, ma'am.

9 Q. Okay. And where was he?

10 A. He was at 509 Palm Street, Georgetown.

11 Q. And was this the first time that you had talked
12 with him about the case or about what was going on?

13 A. I think this is.

14 Q. Okay. And you went to -- you went to that
15 residence?

16 A. Yes, ma'am.

17 Q. Okay. And when you got there who all was there?

18 A. It was him, his grandson -- grandchild, and I
19 think a lady who lived there, I'm not sure what her name is.

20 Q. Okay. And did he agree to talk with you?

21 A. Yes, ma'am.

22 Q. All right. Did you threaten, promise, or coerce
23 him in any way?

24 A. No, ma'am.

25 Q. Did you handcuff him or take him into custody?

BERT POWELL - DIRECT BY MS. RICHARDSON

1 A. No, ma'am.

2 Q. And did he appear to be under the influence of
3 anything?

4 A. No, ma'am.

5 Q. All right. Let me show you what's been marked as
6 State's Exhibit Number 4 for identification.

7 Do you recognize that?

8 A. Yes, ma'am.

9 Q. And what is it?

10 A. It says Alexander Rhue Sr., March 11th, it's my
11 initials on it.

12 Q. And how did you record that interview?

13 A. Body cam.

14 MS. RICHARDSON: Your Honor, at this time, the
15 State would offer State's 28, which is the redacted version
16 of State's Exhibit Number 4, pursuant to the Court's orders.

17 THE COURT: All right. Any objection,
18 Mr. Hazzard?

19 MR. HAZZARD: No, sir.

20 THE COURT: Mr. Voigt?

21 MR. VOIGT: No, sir.

22 MS. RICHARDSON: We would offer that into evidence
23 and publish it for the jury.

24 THE COURT: Mr. Edgeworth, any objection?

25 MR. EDGEWORTH: No objection, Your Honor.

BERT POWELL - DIRECT BY MS. RICHARDSON

1 THE COURT: All right. Admitted into evidence
2 without objection and you're free to publish. Thank you.

3 (WHEREUPON, State's Exhibit Number 28 was moved
4 into evidence.)

5 MR. HAZZARD: Your Honor, may it please the Court.
6 For the record -- stand up right quick -- for the record,
7 Mr. Rhue Sr. says, again, he will listen to the video, but
8 he doesn't wish to -- he doesn't need to watch it.

9 THE COURT: That's absolutely fine. Thank you.

10 MR. HAZZARD: Okay. Yes, sir.

11 (WHEREUPON, video recording was played.)

12 THE COURT: All right.

13 Ladies and gentlemen, we're going to take a lunch
14 now and how about if y'all could be back at 2:15 in the jury
15 room?

16 And, in the meantime, I will tell you to please
17 don't talk about the case. I look forward to seeing
18 everybody at 2:15. If anybody approaches you about this,
19 you tell them you can't talk about it. If anybody bothers
20 you at all, you just let one of the Bailiffs know, I'll know
21 about it and we'll take care of it.

22 All right. So have a great lunch. We'll see you
23 back at 2:15. Thank you.

24 (WHEREUPON, the jury exited the courtroom at 1:05
25 p.m.)

1 THE COURT: All right. What I want to do is this,
2 I think -- there she is -- I think that there are some other
3 videos that we may need to look at or go over with these
4 folks, with the defense. How about if y'all plan on doing
5 that during lunch and/or sometime before say -- I'll be back
6 in here at two o'clock. And so, what I want to do is, is if
7 there is anything that we need to go over -- can y'all look
8 at these videos before then?

9 MS. RICHARDSON: If they've got copies of them,
10 Your Honor, they can.

11 THE COURT: It's been redacted? Okay.

12 So we'll be back in here at two o'clock, and if
13 there's any matters that we need to take up, we'll take them
14 up at that time before we bring the Jury back in at 2:15.

15 Is that okay, Mr. Hazzard?

16 MR. HAZZARD: Yes, sir, Your Honor. I might ask
17 that in order for me to not have to move all this stuff, if
18 they will -- if the court personnel will make the courtroom
19 available, say 1:30, 1:35, I would appreciate that.

20 THE COURT: The Clerk -- she is shaking her head
21 and I know she will do anything to accommodate you all.

22 Is that all right, Mr. Voigt?

23 MR. VOIGT: Yes, sir.

24 THE COURT: Mr. Edgeworth?

25 MR. EDGEWORTH: Yes, Your Honor.

1 THE COURT: Solicitor, is that fine?

2 MS. RICHARDSON: Yes.

3 THE COURT: All right. Great. Thank you. We'll
4 be at ease.

5 (WHEREUPON, there was a break for lunch held from
6 1:07 p.m. until 2:00 p.m.)

7 THE BAILIFF: All rise.

8 THE COURT: All right. Thank you. You can be
9 seated.

10 All right. By way of housekeeping, my clerk is
11 going to be forwarding to y'all the requested charge and the
12 verdict form. That's probably going to come to you around
13 five o'clock this afternoon some time or after we break. So
14 to that extent, I want you to be on the look out for that.

15 The other thing is -- and we -- not necessarily
16 discuss in the morning, but I just want you to have that so
17 you can take a look at it.

18 The other thing is I think the Clerk has
19 obstructed the Bailiffs -- I don't mind, of course, the
20 courtroom is an open proceeding and I don't mind people here
21 observing, but I would prefer that folks come in and leave
22 while we have a break in the action, that is, if we're
23 switching out a witness -- it's very distracting to me and
24 to the Jurors when people are getting up in the middle of
25 testimony and then going out and then coming in.

1 So what I'd like to do is try to minimize that.
2 So, you know, I'm happy to have them come in. And then,
3 what happens if they want to leave, then whenever we have,
4 again, a break in the testimony, we're switching somebody
5 out, if they want to put a new video in, that's fine. But
6 just not in the middle while people are testifying. Okay?

7 THE BAILIFF: No, sir.

8 THE COURT: All right. Thank you. Does anybody
9 got a problem with any of that?

10 MR. HAZZARD: No, sir.

11 MR. EDGEWORTH: No, sir.

12 THE COURT: All right. Great. Thank you very
13 much.

14 Solicitor, what do we have? Is there anything
15 that we need to discuss before we bring the jury back in?

16 MS. RICHARDSON: The attorneys were given copies
17 of the remainder of the statements and I guess we just see
18 if they want to go through that process or if they're
19 satisfied with them the way they are.

20 THE COURT: All right. Gentlemen. Mr. Hazzard?

21 MR. HAZZARD: Thank you, Your Honor. May it
22 please the Court.

23 THE COURT: Yes, sir.

24 MR. HAZZARD: With regard to Alexander Rhue Sr. I
25 was given two disks, one labeled March 11th of 2017 and I

1 reviewed it. It appears to be the one that has already been
2 published to the jury at the 509 Palm Street address on the
3 body camera where he goes and sits down in the kitchen with
4 Mr. Rhue.

5 And the other one is dated April 6th of 2017. And
6 that is Sergeant Powell, again, and it appears -- well, when
7 I play it, it appears to be a 12-second segment.

8 THE COURT: A 12-second what?

9 MR. HAZZARD: Segment.

10 THE COURT: Yes, sir.

11 MR. HAZZARD: It appears to be 12-seconds long and
12 it's my client saying words to the effect of, Basically,
13 look, I'm a straight up guy. I didn't tell you why I was
14 out that night, because I was out buying drugs. And so I'm
15 not clear as -- and I guess this is supposed to go to the
16 obstruction of justice charge, I guess.

17 And so I'm not -- I do not believe that not
18 telling the police why you left the house is in some way,
19 shape or form related to the underlying case or obstructing
20 justice. And, too, I would submit, obviously, that it's
21 well -- it has no probative value and is very prejudicial.

22 So, I guess the first thing is, is it actually a
23 12-second segment?

24 MS. RICHARDSON: This is the one we went over
25 yesterday where we were saying he admitted that he left the

1 house after he had told the officers that he hadn't.

2 You should also have a March 15 video.

3 MR. HAZZARD: No. What I was given is April 6,
4 2017, March 11, 2017.

5 MR. EDGEWORTH: Same here.

6 MR. VOIGT: Same.

7 MR. HAZZARD: And then, I guess, a Tiesh Rhue
8 March 10, 2017. Tiesh Rhue, March 11, 2017, is what I've
9 been provided this morning.

10 MR. VOIGT: Judge, in regards to my client's
11 statement, I was handed a post-it note with redaction times
12 and these mostly track what I provided the Solicitor's
13 office. I think they disagreed with me in one particular
14 area where the officer told my client that he was just doing
15 justice for JR. I had thought that perhaps that should be
16 redacted. Counsel disagreed.

17 THE COURT: All right.

18 MR. VOIGT: But I have not been provided a disk of
19 it, just these copies.

20 THE COURT: All right. Solicitor, where are we?

21 MS. RICHARDSON: Your Honor, the March 15th
22 interview of Mr. Rhue that we watched, the one where they're
23 outside the house.

24 THE COURT: Yes.

25 MS. RICHARDSON: We did not make any redactions to

1 that. So were there any requested? We didn't have any
2 redactions had been requested or needed in that.

3 MR. HAZZARD: As I recall, Your Honor, she is
4 correct.

5 THE COURT: All right. So as it relates to that,
6 we don't have anything to discuss concerning that one.
7 That's the one that he was outside and had the yellow shirt
8 on or vest or whatever it was; is that correct?

9 MR. HAZZARD: That's my understanding.

10 MS. RICHARDSON: Yes.

11 THE COURT: All right. So we're ready to play
12 that one?

13 MR. HAZZARD: Yes, sir.

14 THE COURT: Okay. All right. So what else?

15 MS. RICHARDSON: Was -- I guess, he's seeking to
16 exclude the April 6th statement regarding going to buy the
17 drugs.

18 THE COURT: All right. What's your position on
19 that? Because, I mean, it seems -- it seems to me that what
20 you're trying to do is to get it -- that he's just -- that
21 he didn't tell law enforcement that he left the house?

22 MS. RICHARDSON: Correct. And then when he did
23 tell them that he left the house, he had left to buy
24 peroxide, as well.

25 MR. HAZZARD: Well, actually, he didn't buy

1 anything.

2 MS. RICHARDSON: Or they went to the store.

3 MR. HAZZARD: He went to Walmart and went to the
4 bathroom.

5 THE COURT: So what does the 12-second clip say?

6 MS. RICHARDSON: He admits he lied to law
7 enforcement.

8 THE COURT: No, ma'am. No, he didn't. He doesn't
9 say ---

10 MS. RICHARDSON: I'm sorry.

11 THE COURT: What did he say? What did he say in
12 that 12-second clip?

13 MR. HAZZARD: That's the Cliff's Notes version.

14 MS. RICHARDSON: My version.

15 He said -- they were trying to find Alex Jr. and
16 he said words to the effect, We know you're a standup guy,
17 that kind of discussion like Mr. Hazzard ---

18 MR. HAZZARD: Can we just play it?

19 THE COURT: Yeah, let's play it. Excellent idea.

20 MR. HAZZARD: And you've got to listen from the
21 very beginning, because it's -- I don't know why it's
22 truncated, but it's -- and that's part of the problem, too,
23 is that it starts immediately. Like, he's talking as soon
24 as it starts playing.

25 THE COURT: All right.

1 MR. HAZZARD: Because I had to listen to it five
2 times to figure out what was being said.

3 MR. VOIGT: Was this after he invoked? Is that
4 what the ---

5 MR. HAZZARD: No. This is -- this was outside the
6 house in one of the many discussions with law enforcement.

7 (WHEREUPON, video recording was played.)

8 THE COURT: Play that again.

9 MS. RICHARDSON: Yes, sir.

10 THE COURT: That was it?

11 (WHEREUPON, video recording was played.)

12 THE COURT: Okay. So Mr. Hazzard, what is your
13 objection?

14 MR. HAZZARD: My objection is, first of all, it
15 has no relevance to anything having to do with this case.

16 My assumption, and maybe I'm incorrect, is that
17 the only relevance that they can perceive is that it goes to
18 the charge of obstruction of justice.

19 THE COURT: Right.

20 MR. HAZZARD: If that is the case, the question
21 then becomes, is him not telling them why he left the house
22 in some way impeding, materially, their investigation. I
23 don't see how.

24 THE COURT: Well, isn't that a jury question?

25 MR. HAZZARD: I would not submit that's a jury

1 question as to -- he said, I didn't tell you why I left the
2 house, not that I didn't tell you why I killed him. I
3 didn't tell you why somebody else killed him. I just didn't
4 tell you -- and not even that I didn't tell you that I
5 didn't leave the house. Because, as you heard on the
6 previous interviews, they never specifically asked him Did
7 he leave the house.

8 THE COURT: So what's the -- you talked about
9 something very -- I don't know if you used the word damning,
10 but you said something -- very prejudicial. What was that
11 about, sir?

12 MR. HAZZARD: Well, the prejudicial part of it
13 would be that he's saying, I left the house to buy drugs. I
14 would submit that there is no probative value to him saying,
15 I didn't tell you why I left the house. Which is actually
16 kind of a misstatement, because they never specifically
17 asked him if he left the house.

18 In the Palm Street interview on March 11th, they
19 asked him was he there, he said yes. They asked him was his
20 son there, he said yes. They asked him was his daughter
21 there, he said yes, she got home around 10:00.

22 They asked him was Leon Harrison Jr. there, he
23 said, I don't know, or something in the words of, I did not
24 see him.

25 He then said, I went to bed between 9:00 and 9:30

1 and I got up a little bit after 1:00, walked around and I
2 checked the house. They never specifically asked him, what
3 did you do after that?

4 So, but he just said, I didn't tell you why I left
5 the house, because I went to buy drugs. So I would submit,
6 A, it has absolutely no relevance to the charge of
7 obstruction of justice. And B, it is prejudicial.

8 THE COURT: All right. Talk to me about
9 relevance, Solicitor.

10 MS. RICHARDSON: Your Honor, part of the State's
11 theory of the case is that they just misled investigators
12 the entire time, to show guilty knowledge. That they would
13 say that they were at the house when they were not at the
14 house and when they were doing things like buying peroxide.
15 And that's big part of the State's theory of the case.

16 MR. HAZZARD: And I would submit that it would
17 possibly have some relevance had they asked him: Did you
18 leave the house? Did you go anywhere? Did you do anything?

19 They did not. They asked him, you know, Were you
20 at the house? Yes. I went to bed, got up around 1:00,
21 walked around, checked the house. And there were no
22 followup questions in that department.

23 THE COURT: Well, didn't he say he went back to
24 bed?

25 MR. HAZZARD: I don't know if -- I don't recall if

1 he said he went back to bed. He said, he checked the house,
2 went outside, checked the dogs.

3 MS. RICHARDSON: Your Honor, maybe we should just
4 listen to the 3/15 interview first, because he gives another
5 -- more details about that night.

6 THE COURT: I think that there is some relevance
7 and I -- I think that if there's any relevance, that it
8 comes in.

9 I'm concerned about the prejudicial effect as it
10 relates to the drugs and saying he's going to buy drugs.
11 That's what I hear you talking about as it -- yeah, he may
12 disagree as the relevance, I understand that.

13 But now, the drugs, your concern is the fact that
14 he's admitting to law enforcement that he left the house to
15 buy drugs, and the fact that he says that could -- the jury
16 certainly could take a negative view of that of leaving to
17 buy drugs; is that correct?

18 MR. HAZZARD: Yes, sir. That's our position.

19 THE COURT: Well, what about if we just let --
20 what if we leave the drugs out and he just left the house?

21 MR. HAZZARD: Well, my concern then is that it
22 leaves it to the jury's imagination as to what comes after
23 that. Such as, I didn't tell you I left the house to go
24 throw a body in the river.

25 THE COURT: Well, I -- I understand. So the drugs

1 may not be so bad. I mean, I think there's -- I think
2 there's relevance, sir. I think there's relevance to the
3 fact that he did not -- was not -- and I understand they
4 didn't ask a follow-up question, but I think it's relevant.

5 The question then becomes, in my mind, the --

6 All right. What is it, Solicitor, is there
7 another statement that's gonna be played or you wanna play
8 that you think will shed some additional light on that?

9 MS. RICHARDSON: Before that on March 15, again,
10 he doesn't mention leaving the house and he's asked a little
11 more about him being at home that night.

12 THE COURT: Well, let's --

13 All right. Are we ready to play that video?

14 MS. RICHARDSON: Yes, Your Honor.

15 THE COURT: Are we ready to play that video?

16 MR. HAZZARD: I'm ready to watch it.

17 THE COURT: I'll tell you what, let's go ahead and
18 we can watch that, whatever needs to be done on that. Let's
19 go ahead and do that, yes, sir.

20 MS. RICHARDSON: You want to watch it?

21 THE COURT: Well, I guess what I'm -- what do we
22 need to do before we bring the jury back in? I'm ready to
23 rock.

24 MS. RICHARDSON: I think we -- you can watch this
25 when the jury's in and then you can probably rule.

1 THE COURT: I guess --

2 MS. RICHARDSON: We can probably -- I don't think
3 you have to watch it twice. I think you could watch it, the
4 March 15th one, when the jury's in.

5 THE COURT: Okay.

6 MS. RICHARDSON: And then we can approach for a
7 ruling on the April 6th one.

8 THE COURT: So Solicitor, you're ready to play
9 what video?

10 MS. RICHARDSON: March -- March 15 interview of
11 Alexander Rhue Sr.

12 THE COURT: Okay. And I guess what I'm asking is,
13 are we ready to hear that video or do we have to go through
14 and talk about redaction or what do we need to do as it
15 relates to the defense concerning the video that she's ready
16 to play?

17 MS. RICHARDSON: It's my understanding, and we did
18 not make any redactions, but no redactions were needed on
19 that video.

20 MR. HAZZARD: Yes, sir. That is my understanding.

21 THE COURT: All right.

22 MR. HAZZARD: Based on what we reviewed on Monday.

23 THE COURT: All right. Well, then let's -- let's
24 go and play that -- let's get the jury in here and play that
25 video.

1 All right. Anything further before we bring the
2 jury in? From the State?

3 MS. RICHARDSON: No, Your Honor.

4 THE COURT: From the Defense?

5 MR. HAZZARD: Oh, no, sir, Your Honor. It can
6 wait until we discuss the ruling.

7 THE COURT: Yes, sir. Anything else, Mr. Voigt?

8 MR. VOIGT: No, Your Honor.

9 THE COURT: Mr. Edgeworth?

10 MR. EDGEWORTH: No, Your Honor.

11 THE COURT: All right. Great. Bring the jury,
12 please.

13 (WHEREUPON, the jury entered the courtroom at 2:20
14 p.m.)

15 THE COURT: All right. Ladies and gentlemen, I
16 hope you had a good lunch. I'm only starting five minutes
17 late and I hope y'all notice that and we will continue to
18 work and try to do better.

19 But, I believe the State now is ready to continue
20 with their direct examination.

21 MS. RICHARDSON: That's correct, Your Honor.

22 THE COURT: All right.

23 BY MS. RICHARDSON:

24 Q. So I believe the video that we last watched was
25 your interview of Mr. Rhue Sr.?

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1 A. Yes, ma'am.

2 Q. At Palm Street. And you began that interview,
3 that was on Saturday March 11 at 11:55?

4 A. Yes, ma'am.

5 Q. And at that time, when you began that interview,
6 did you know that a body had been discovered?

7 A. No, ma'am.

8 Q. And were you later advised that the Sheriff's
9 Office had discovered a body that day?

10 A. Yes, ma'am.

11 Q. Now, did you have any part in -- in the discovery
12 of the body?

13 A. No, ma'am.

14 Q. And did you even go out to the scene?

15 A. No, ma'am.

16 Q. And all of this was actually occurring while you
17 were interviewing Mr. Rhue?

18 A. Yes, ma'am.

19 Q. And after that -- after the body was recovered,
20 did y'all have any meetings with the Sheriff's Office
21 regarding that?

22 A. There was a meeting we set up after we went to the
23 autopsy. Us, the Georgetown Police Department CID,
24 Georgetown County Sheriff's Office, the coroner's office,
25 all had a meeting in reference to the body that was

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1 recovered from the Black River and it was determined that it
2 was the missing person, Leon Harrison Jr.

3 Q. Did you attend the autopsy?

4 A. Yes, ma'am.

5 Q. And describe, when you went to the autopsy, the
6 condition of the victim's body.

7 A. He was decayed. His hands -- or he was bound by
8 his wrists with speaker wire and bound by his ankles with
9 speaker wire.

10 Q. And at that point, did you request another search
11 of the house?

12 A. I think we did do a follow-up search warrant
13 because of that.

14 Q. And what were you looking for at that point?

15 A. We were looking for the speaker wire and any other
16 evidence that may -- would give us a lead as to whether he
17 was killed in the house or not in the house or any murder
18 weapons in the house or anything such as that.

19 Q. Okay. And when you went to the autopsy, were
20 there other injuries on the body?

21 A. Yes.

22 Q. And just briefly kind of tell about the condition
23 of the body.

24 A. There were some, what the -- what looked like to
25 be, I don't know if you call it bite marks or stab marks or

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1 whatever, like some animal activity on his body. One of his
2 hands looked -- had appeared to have had a cut or something
3 on it. And it was just a lot of decay.

4 There was a lot of stuff you couldn't tell what
5 was happening, whether it was an animal activity or if it
6 was an actual injury from some other kind of altercation.

7 His hands, the way the speaker wire was tied
8 around his wrists and around his ankles, it was -- it looked
9 like it was really tight, like it was, like, real tight,
10 like somebody tied it tight, because it was like it was
11 squeezing the flesh into, you know, down. And it was
12 wrapped. It wasn't like just one, like, it was tied up.

13 Q. Okay. Let me show what's been marked as State's
14 Exhibit Number 39.

15 Can you tell us what this is?

16 A. It's a flash drive of photos at 1015 Highmarket
17 Street from 3/14/2017.

18 Q. Okay. And you reviewed that previously?

19 A. Yes, ma'am, and my initials are on it.

20 Q. Okay.

21 MS. RICHARDSON: All right. Your Honor, at this
22 time, I'd offer State's 39 into evidence and ask to publish
23 it to the jury.

24 THE COURT: All right. Any objection from
25 Mr. Hazzard?

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1 MR. HAZZARD: Subject to previous objection.

2 THE COURT: Yes, sir. Mr. Voigt?

3 MR. VOIGT: Subject to my previous objection.

4 THE COURT: And Mr. Edgeworth?

5 MR. EDGEWORTH: Subject to my previous objection.

6 THE COURT: All right. It's admitted subject to
7 Defense Counsel's objection, I understand. Please, feel
8 free to publish.

9 MS. RICHARDSON: Thank you, Your Honor.

10 (WHEREUPON, State's Exhibit Number 39 was moved
11 into evidence.)

12 BY MS. RICHARDSON:

13 Q. Okay. So, again, this is on the 14th and the
14 other pictures we saw were on the 10th; is that right?

15 A. Yes, ma'am.

16 Q. This is the front room of the house?

17 THE WITNESS: The TV is not on.

18 MS. RICHARDSON: Of course, it's not. Of course.
19 Oh, it went back on sleep. Good now?

20 THE WITNESS: Yes, it's on now.

21 BY MS. RICHARDSON:

22 Q. Let's go back. This is just an overview of the
23 house? This is the front door; is that right?

24 A. Yes, ma'am.

25 Q. Okay. And who's in this photo, 737?

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1 A. That would be Investigator Allen Morris.

2 Q. Okay. The TV area in the living room, 739?

3 A. Yes, ma'am.

4 Q. 744, can you tell us what that is?

5 A. That's one with the guitars in it. I think that
6 is Ms. Rhue's son's room.

7 Q. Let's go back to 745.

8 Can you tell us what's pictured in that?

9 A. Looks like some amplifiers for the guitars. Some
10 guitars and a little radio.

11 Q. This is all still in this room?

12 A. Yes, ma'am.

13 Q. Okay. And 753?

14 A. I think that is Mr. Alexander Rhue Sr.'s room and
15 I think Mr. Rhue and his son stayed in it as well.

16 Q. That's the room with the bunk beds?

17 A. Yes, ma'am.

18 Q. And this is 754. What is that?

19 A. It's a backpack with a bunch of speakers -- or I
20 say speakers, a bunch of wires, just different kind of
21 wires, cables, things like that.

22 Q. Okay. And then 755, did you move -- or you and
23 your officers move the mattress?

24 A. Yes, ma'am, we did. We picked it up to look
25 under.

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1 Q. Okay. And there was some evidence markers, this
2 is on 761?

3 A. Yeah, that's the gray backpack with the wires in
4 it.

5 Q. And so basically you just went through each room,
6 sort of searching?

7 A. Yes, ma'am.

8 Q. You also searched some vehicles as well?

9 A. Yes, ma'am.

10 Q. I'm going to refer you back to Photo 835.

11 And what room are we back in here?

12 A. That will be Ms. Tiesh Rhue and her husband's
13 room.

14 Q. Okay. All right. And in this room, this is the
15 room with the carpet padding sections removed?

16 A. Yes, ma'am.

17 Q. Okay. When you came back had any of the
18 flooring -- had the carpet been changed or any been replaced
19 in the room?

20 A. No, ma'am.

21 Q. And same -- basically the same condition it was on
22 the 10th?

23 A. Yes, ma'am.

24 Q. Okay. And who was assisting in this search?

25 A. Captain Pierce, Investigator Dawud Aswad from the

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1 County, Investigator Anderson, myself, and Investigator
2 Morris.

3 Q. All right. And as far as the actual crime scene
4 processing, who did that as far as testing and swabbing and
5 that sort of thing?

6 A. That would have been Captain Pierce.

7 Q. All right. And after this, did you interview
8 Mr. Rhue Sr. again on March 15, 2017?

9 A. We went out to the house to talk to Ms. Tiesh Rhue
10 again and Mr. Alex showed up. So we spoke to him while we
11 were in the yard there.

12 Q. And he just walked up when you were out there?

13 A. He drove up. I think he been at work or
14 something.

15 Q. And at that time you were going to ask him some
16 questions?

17 A. Well, we spoke with him in the yard concerning her
18 physical altercation that was in Maryland with some other
19 lady.

20 Q. And did you force him or coerce him to talk with
21 you on that day?

22 A. No, ma'am.

23 Q. Did you make him any promises or threats?

24 A. No, ma'am.

25 Q. And did he appear to be under the influence of

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1 anything at that time?

2 A. No, ma'am.

3 Q. Okay. And did -- and was he in custody? Did you
4 arrest him or anything of that nature?

5 A. No, ma'am.

6 Q. And he was free to speak with you or to not speak
7 with you?

8 A. Correct.

9 Q. And he did speak with you?

10 A. Yes, ma'am.

11 Q. And did you record that interaction?

12 A. It was on body cam.

13 Q. Let me show you what's been marked as State's
14 Exhibit Number 29.

15 A. It says A. Rhue Sr., March 15, 2017.

16 MS. RICHARDSON: Your Honor, at this time, I'd
17 offer to submit State's 29 into evidence and publish it to
18 the jury.

19 THE COURT: Any objections, Mr. Hazzard?

20 MR. HAZZARD: No, sir.

21 THE COURT: Mr. Voigt?

22 MR. VOIGT: No, sir.

23 THE COURT: Mr. Edgeworth?

24 MR. EDGEWORTH: No, sir.

25 THE COURT: All right. It's admitted without

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1 objection and feel free to publish.

2 (WHEREUPON, State's Exhibit Number 29 was moved
3 into evidence and played. Not transcribed
4 herein.)

5 MS. RICHARDSON: Your Honor, I believe we've
6 gotten these mixed up. I am so sorry.

7 Can we -- we may need to handle this outside the
8 presence of the jury, Your Honor.

9 THE COURT: All right. Ladies and gentlemen, I'm
10 going to have to send you back to the jury room. Please
11 don't talk about the case. We'll have you back in here as
12 soon as we can. I'm sorry.

13 (WHEREUPON, the jury exited the courtroom at 2:40
14 p.m.)

15 MS. RICHARDSON: Your Honor, I apologize. We
16 mislabeled that as the interview of Tiesh Rhue. I would ask
17 to withdraw that and put in the correct CD.

18 THE COURT: That's fine.

19 MS. RICHARDSON: We just mislabeled them, because
20 we were passing them around, but he usually would have
21 initialed it and the one that he initialed is already in
22 evidence, because when I handed it to him I noticed it
23 wasn't initialed.

24 THE COURT: I understand. That's no problem.

25 MS. RICHARDSON: So if we can just use the initial

1 number, because this is the one that had no redactions, it
2 just got mixed up with the one that did have redactions.

3 So the initial number would be State's Exhibit 5
4 and if we could just withdraw from evidence, State's 29.

5 THE COURT: Is there any objection?

6 MR. HAZZARD: No, sir, but I would like to, out of
7 an abundance of caution, maybe we could review Number 5
8 before the Jury sees it.

9 THE COURT: Yeah, let's just turn it on and make
10 sure that's what it is. I think that's fine. Yes, sir.

11 Any objection, Mr. Voigt? Is that good?

12 MR. VOIGT: No, sir.

13 MR. EDGEWORTH: No, Your Honor.

14 THE COURT: Okay. Great.

15 MS. RICHARDSON: So we can void that and withdraw
16 it from evidence?

17 THE COURT: That's fine.

18 MS. RICHARDSON: And then State's 5 is the correct
19 one.

20 THE COURT: And I'll instruct the Jury that there
21 was a mistake and just disregard the last video and we're
22 going to play this video now. Okay?

23 (WHEREUPON, State's Exhibit Number 29 was voided.)

24 MR. HAZZARD: For housekeeping purposes, and Madam
25 Court Reporter would know better than I, as would the Clerk.

1 Since we are voiding 29, there's not a replacement 29,
2 right? The next one -- the next in order would be 30 and we
3 simply would not have a 29; is that correct? Or how does
4 that work?

5 COURT REPORTER: That sounds like the most
6 appropriate, to keep 29 not coming as anything.

7 MR. HAZZARD: Okay.

8 MS. RICHARDSON: Your Honor, the State has no
9 objection to that.

10 Is everybody ready?

11 THE COURT: Yes.

12 (WHEREUPON, a video recording was played.)

13 THE COURT: All right. So that video, we're good
14 with that video, right?

15 MR. HAZZARD: Yes, sir.

16 THE COURT: But now we still have this issue --
17 that's the video you talked about playing as it relates to
18 Mr. Hazzard's prior -- all right.

19 I've done some thinking about that. I'm going to
20 tell you my concern, and you brought it up initially, and
21 that is it just cuts on and it's 10 or 12 seconds and it's
22 over. And what I will say is that that provides zero
23 context.

24 Every video that we've seen is a video that shows
25 sort of a start, leading up to intro into a conversation.

1 The video that the State just withdrew shows the body
2 camera's on as they are in the car and then approaching the
3 house. A video earlier when his client was interviewed
4 shows the officer -- I believe it was his client,
5 Mr. Hazzard's client -- it shows the officer with the body
6 camera on as he entered the house, sat down.

7 This clip, a snippet is what I would call it, has
8 absolutely no context, and as a result of that, I think the
9 video itself is prejudicial and it doesn't accurately
10 reflect -- it clearly just doesn't accurately reflect what
11 happened. That camera just didn't get turned on at that
12 second. There had to be some type of editing. I mean, it
13 just doesn't just magically cut on as somebody's saying
14 that. And I'm happy if that's not -- I don't understand
15 that.

16 MS. RICHARDSON: And I'm not sure if we played it
17 yesterday. The full video was part of the voluntariness
18 determinations yesterday, and I can't remember if that's one
19 that we didn't watch.

20 It is longer and there was some concern, because
21 Ms. Rhue was taken into custody. I think Mr. Edgeworth
22 didn't want that to be seen.

23 We just probably over-redacted that, but we can go
24 back a little. The whole -- we can just re-do those
25 redactions for the context.

1 I believe that was played for the Court yesterday,
2 but it might have been such a late hour that we just said --

3 THE COURT: I don't recall ever seeing the video
4 with his client in a brown shirt standing on the porch. I
5 don't think so. Unless that was the video where they
6 actually came to take her into custody ---

7 MS. RICHARDSON: It is.

8 THE COURT: And he had a brown shirt on then, I do
9 recall.

10 MS. RICHARDSON: That's -- it's where they
11 arrested her and then asked him -- asked Mr. Rhue Sr. where
12 Mr. Rhue Jr. was.

13 THE COURT: And, Mr. Hazzard, so you're saying
14 that because they didn't ask him a follow-up question, i.e.
15 You weren't there all night. And at that point if he'd
16 fibbed to them, then that could have been obstruction, but
17 because they didn't ask the follow-up question that's why
18 it's not obstruction and that's why then this is also just
19 consequently terribly prejudicial because he talks about
20 drugs?

21 I want to make sure I understand that, because I
22 think I have to look then also to what are the requirements
23 of -- what are the requirements? What are the elements of
24 this violation?

25 MR. HAZZARD: Well, as best I can tell through my

1 research, it's incredibly vague as is the indictment, which
2 basically says, Did or failed -- how does it go?

3 Provided false statements to law enforcement and
4 concealed evidence in the investigation of the murder of
5 Leon Harrison Jr. Intentionally do an act which prevented,
6 obstructed, impeded, or hindered the administration of
7 justice.

8 Now, they didn't ask him -- even if they had asked
9 him, Did you leave the house that night? And he said, No.
10 And then subsequently turned around and said, You know what,
11 I misspoke, I did. Since there, in my opinion, is
12 absolutely no significance or material -- materiality
13 between him leaving the house and this crime, I fail to see
14 the --

15 THE COURT: And this what? I'm sorry. He failed
16 to leave the house -- I'm sorry. I missed one of your
17 words, I apologize.

18 MR. HAZZARD: Okay. That there's no nexus, no
19 connection between him leaving the house and this alleged
20 crime. Now their argument is that they went to Walmart and
21 their allegation is that Jr. bought some peroxide while they
22 were there.

23 Even if the Court buys that very tenuous
24 materiality connection, they never asked him that. They
25 never -- they never said -- they just said, Were you here?

1 In other words, he was truthful in every response.
2 Were you here? Yes, I was. Okay. Was your son here? Yes,
3 he was.

4 And as you noticed in the video that we just
5 watched, he reiterates when he says, Yes, my son was here.
6 He was getting ready to go out. He had the -- he used the
7 iron, which was in my room, and so he probably left around
8 10:00 or 10:30. They never say or never ask, Did you go
9 anywhere after that?

10 So on April -- whatever day that is -- April 6th,
11 when he says, You know what, I failed to tell you that I
12 left the house that night. I do not see how him not having
13 said that before, in any way impeded the investigation.

14 THE COURT: But don't -- isn't the very fact that
15 he brought that up and said that is because he realized that
16 he was impeding the investigation?

17 MR. HAZZARD: Not necessarily. That's a very good
18 point, Your Honor, but not necessarily.

19 First of all, when they speak with him on March
20 11th, they are asking him about an incident two weeks prior,
21 on February 25th. Okay? And I know, and I believe most
22 people, if you ask them about, Hey, what did you do
23 two weeks ago? They may have a hard time coming up with
24 each and every specific point.

25 Two weeks from now if you ask me what I did

1 tonight, I would say, Well, I got off from work and I do
2 what I did every night. I went home, had dinner, watched
3 the game on TV, talked to my wife and I went to bed.

4 Now, at some point this evening, I may have to go
5 to the convenient store. But I guarantee you, I won't
6 remember that two weeks from now, not initially.

7 So I don't think it's that easy to say --

8 THE COURT: Yeah, but you're going remember if the
9 cops are talking to you.

10 MR. HAZZARD: Not necessarily.

11 THE COURT: If they're at your house, you're not
12 going to remember that?

13 MR. HAZZARD: Not necessarily.

14 THE COURT: All right. Well --

15 MR. HAZZARD: As to whether I left my house and
16 took a five-minute drive to the convenient store on a
17 specific day two weeks before?

18 THE COURT: You know, when I look at this, the
19 charge is the State must also prove beyond a reasonable
20 doubt that the defendant did act with the intent to obstruct
21 justice.

22 The defendant does not have to succeed in the
23 effort to obstruct justice. It's enough if some act is done
24 in the furtherance of the attempt to obstruct justice. I
25 need the context. Because -- I mean, I've got to have the

1 context.

2 MS. RICHARDSON: I can get it.

3 MR. HAZZARD: And also one thing for the Court's
4 consideration --

5 THE COURT: Yes, sir.

6 MR. HAZZARD: -- about context -- and maybe it
7 doesn't matter, I do not know -- but as the Court heard on
8 the interview that was excluded, the one where they brought
9 him in, in handcuffs -- that's the -- I believe that's the
10 March 31st interview where they brought him in, in
11 handcuffs, and they actually serve him with the obstruction
12 of justice warrant. And he says, You know, why are you
13 charging me with that?

14 My recollection is Investigator Morris says at
15 that point, We're charging you with obstruction of justice
16 because you misled us about your son's whereabouts. Had
17 nothing to do with anything he said about his whereabouts.

18 So it's this incredibly amorphous concept that
19 they keep kind of seem to just bandy about.

20 THE COURT: Well, it's a kind of an amorphous type
21 of statute.

22 MR. HAZZARD: Yes, it is.

23 THE COURT: All right. Solicitor, can we get
24 something played so I can see what -- I need the minute or
25 so before he made this statement.

1 MS. RICHARDSON: This is State's 9 from yesterday.

2 MR. EDGEWORTH: Your Honor, if I may?

3 THE COURT: Yes.

4 MR. EDGEWORTH: My client has informed me that she
5 desperately needs to take a quick break. Is it possible
6 that we can do that?

7 THE COURT: Yeah. That's fine. That's fine.

8 Let's get the Solicitor to pull that up, okay?
9 She can go take a break.

10 (WHEREUPON, video recording was played.)

11 THE COURT: Solicitor, how about fast -- fast
12 forward that a little bit.

13 MS. RICHARDSON: Do we need to wait for her to get
14 back though?

15 MR. EDGEWORTH: No, Your Honor.

16 MS. RICHARDSON: Okay.

17 THE COURT: No. I don't think so.

18 (WHEREUPON, video recording was played.)

19 MS. RICHARDSON: Is that enough context, Your
20 Honor?

21 THE COURT: Yes.

22 MS. RICHARDSON: We could --

23 THE COURT: So what's your position having now
24 shown that to me, Solicitor, what argument do you have?

25 MS. RICHARDSON: Your Honor, in -- the State's

1 position is not just to the obstruction of justice, it all
2 -- it also goes to the other charges, because it shows that
3 they were continually sort of adapting their story. And at
4 this point, you know, he was admitting he had lied, but he's
5 giving another story, I was out buying drugs, when we have
6 him and his son on video at Walmart with the peroxide. So,
7 it's just a different story for the same night.

8 And as for his memory of the night, Your Honor, on
9 that first interview on March 11th, he was very specific
10 about, At 5:55 I did this. At -- I mean, he was oddly
11 specific in his times.

12 THE COURT: All right. All right. Do you have
13 anything to say?

14 MR. VOIGT: I do Judge.

15 THE COURT: I'm ready to listen to you.

16 MR. VOIGT: It's going to be real brief.

17 The context, I believe is improper as regard to my
18 client, because without ever talking to him, they're ready
19 to give him a bond hearing, which kind of seems a little bit
20 prejudicial to me.

21 So in its short form, I agree with Mr. Hazzard, in
22 its longer form I'm going to object to it for that reason.

23 THE COURT: Okay. Anything?

24 MR. EDGEWORTH: Well, Your Honor, as to my client,
25 I think it was already agreed upon that the part, as it

1 relates to my client's out, so...

2 THE COURT: All right. I understand. I was just
3 trying some context as it relates to how that statement came
4 about.

5 All right. We'll be ease for two to
6 three minutes.

7 (WHEREUPON, there was a pause in the proceedings.)

8 THE COURT: All right. I have given deliberate
9 and careful consideration to this matter. I disagree with
10 Mr. Hazzard. I believe that this -- I believe that the
11 statement, that the video, is relevant. I think that it is
12 potentially relative evidence.

13 I believe that the needle only needed to move a
14 little bit as it relates to whether evidence is relative and
15 I think this moves the needle for lack of better words.

16 However, I do agree with him, I believe it's
17 extremely prejudicial. And, in my opinion, having looked at
18 the relevance and then examining that in the light of the
19 prejudicial effect, I think that the prejudicial effect
20 substantially outweighs the relevance and as a result I'm
21 going to exclude that 12-second statement. I'm also going
22 to not allow the witness to present any testimony as to --
23 as it relates to that statement. That will be my ruling.

24 All right. So as it relates to the statement that
25 we've just -- the statement that we want to go ahead and

1 play, are we ready to move forward with that, Solicitor?

2 MS. RICHARDSON: We are, Your Honor.

3 THE COURT: Is there anything else, Solicitor,
4 that needs to be brought up before we bring the jury back in
5 here?

6 MS. RICHARDSON: Not from the State, Your Honor.

7 THE COURT: All right. Anything from the Defense?

8 MR. HAZZARD: No, sir.

9 MR. VOIGT: No, sir.

10 MR. EDGEWORTH: No, sir.

11 THE COURT: All right. Let's get the jury. Thank
12 you.

13 (WHEREUPON, the Jury entered the courtroom at 3:15
14 p.m.)

15 THE COURT: Ladies and gentlemen, number --
16 evidence that was entered as Number 29, was mistakenly
17 entered. And so I just ask you to disregard the beginning
18 of that video that you saw. And I believe the State is now
19 ready to proceed. And I'm happy to hear from you,
20 Solicitor.

21 MS. RICHARDSON: Thank you, Your Honor.

22 THE COURT: Yes.

23 BY MS. RICHARDSON:

24 Q. Now, let me show you what's been marked as State's
25 Exhibit Number 5 previously for identification.

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1 Do you recognize that one?

2 A. Yes, ma'am. It's Alex Rhue Sr., March 15th and my
3 initials are on the top.

4 Q. So this is the one that you had initialed,
5 correct?

6 A. Yeah, I didn't say I initialed the last one.

7 Q. Yeah, I know. I should have realized that when
8 you looked puzzled.

9 MS. RICHARDSON: Your Honor, at this time, the
10 State would offer Sate's Exhibit Number 5 into evidence and
11 to publish for the Jury.

12 THE COURT: Any objection, Mr. Hazzard?

13 MR. HAZZARD: No, sir.

14 THE COURT: Mr. Voigt?

15 MR. VOIGT: No, sir.

16 THE COURT: Mr. Edgeworth?

17 MR. EDGEWORTH: No, sir.

18 THE COURT: All right. That's admitted without
19 objection and please free to publish it to the Jury,
20 Solicitor.

21 (WHEREUPON, State's Exhibit Number 5 was moved
22 into evidence, and played. Not transcribed
23 herein.)

24 BY MS. RICHARDSON:

25 Q. Let me also show you -- we were missing this one

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1 earlier -- State's Exhibit -- what's been marked for
2 identification as State's Exhibit 30.

3 Do you need some gloves?

4 A. Yeah.

5 THE COURT: Madam Clerk, give him a pair of
6 gloves, please. Here you go, sir.

7 THE WITNESS: Thank you, sir.

8 THE COURT: Yes, sir.

9 BY MS. RICHARDSON:

10 Q. Look in that and tell us what it is.

11 A. It says Item Number 3, carpet padding with spot,
12 1015 Highmarket Street from missing person report...

13 THE COURT: All right. You need to repeat that or
14 as best you can.

15 THE WITNESS: I'm sorry.

16 THE COURT: No. You're doing a great job. Just
17 want to make sure everybody hears it and the Court Reporter
18 hears it. Okay, sir?

19 THE WITNESS: This is Item Number 3, which is
20 carpet padding with a spot on it from 1015 Highmarket
21 Street. This was the missing person case from the search
22 warrant we did when we cut the carpet padding out of the
23 house and to the responses of the other padding.

24 BY MS. RICHARDSON:

25 Q. Okay. If you could look at it?

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1 A. Take it out?

2 Q. Yes. And is that the section of padding that you
3 cut out?

4 A. Yes, ma'am.

5 Q. And that was the second cutout part that was
6 found; is that right? The smaller one?

7 A. Yes, ma'am. The small one.

8 Q. And, again, did you take steps to preserve it when
9 -- and not cross-contaminate it when you took it into
10 evidence?

11 A. Yes, ma'am.

12 Q. Like you did, wearing gloves?

13 A. Wearing gloves, yes, ma'am.

14 Q. And then, after you cut the carpet padding, what
15 did you do with it?

16 A. We take it and put it in the bags to preserve it.

17 Q. And did you alter or tamper with it in any way?

18 A. No, ma'am.

19 MS. RICHARDSON: Your Honor, at this time, I'd
20 offer State's 30 into evidence.

21 THE COURT: Any objection, Mr. Hazzard?

22 MR. HAZZARD: Subject to previous objection, Your
23 Honor.

24 THE COURT: All right. Mr. Voigt?

25 MR. VOIGT: Subject to previous objection.

BERT POWELL - DIRECT BY MS. RICHARDSON

1 MR. EDGEWORTH: Subject to previous objection.

2 THE COURT: All right. It's admitted subject to
3 the previous objections made by Defense Counsel.

4 (WHEREUPON, State's Exhibit Number 30 was moved
5 into evidence.)

6 BY MS. RICHARDSON:

7 Q. Okay. So I believe we were up to -- that was
8 March 15th when you spoke with Mr. Rhue Sr. outside of the
9 home; is that correct?

10 A. Yes, ma'am. Yes, ma'am.

11 Q. And during the course of the investigation, did
12 y'all -- or did officers request phone records?

13 A. We did. That's why we took the phones.

14 Q. Did you also request phone records from cellular
15 providers?

16 A. Yes. I think Investigator Anderson did that.

17 Q. And you were apprised of the -- some of the
18 results of that?

19 A. Ma'am?

20 Q. You knew about some of the results that they had
21 found with that?

22 A. Yes, ma'am.

23 Q. Okay. And based on that, did -- what kind of
24 action did you take?

25 A. Based on the phone results?

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1 Q. Yes.

2 A. We went to look for video footage at Walmart.

3 Q. And where did you go?

4 A. From Walmart.

5 Q. And did you do that?

6 A. Yes, ma'am, I did.

7 Q. Okay. And who did you meet with there?

8 A. So according to what I put in my report, I, along
9 with Investigator Allen Morris, went to Walmart to obtain
10 the surveillance video. And we looked at footage for the
11 night of Saturday, February 25, 2017 and the morning of
12 Sunday, February 26, 2017. And we went there to get that on
13 a Wednesday, March 29th.

14 Q. Okay. So March 29th is when you went to Walmart?

15 A. Yes, ma'am.

16 Q. All right. And did you receive a copy of the
17 video from Walmart?

18 A. Yes, ma'am.

19 Q. Okay. And did you review that?

20 A. Yes, ma'am.

21 Q. Let me show you what's been marked as State's
22 Exhibit 31. And can you tell me what that is?

23 MR. VOIGT: I'm going to object, Your Honor, to
24 him identifying in front of the Jury.

25 THE COURT: All right. All right. Counsel,

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1 approach.

2 (WHEREUPON, a bench conference was had.)

3 THE COURT: All right. So I'm going to overrule
4 your objection for now pending the Solicitor's proper
5 linkage.

6 MR. VOIGT: Thank you very much.

7 BY MS. RICHARDSON:

8 Q. Officer Powell, did you -- were you with -- well,
9 let me ask you this: Who was pulling the video at Walmart?
10 I may have asked you this.

11 A. Ma'am?

12 Q. Who was reviewing the video at Walmart?

13 A. I reviewed the video that we got from Walmart.

14 Q. But did you -- were you at Walmart when the video
15 was viewed?

16 A. No, I was at the office.

17 Q. Okay. So you didn't meet with the loss prevention
18 officer to view the video or find the video?

19 A. I think I gave him the dates and times. He called
20 me back and told me, said, Hey, I think I got the times
21 you're looking for. I may have looked -- went there briefly
22 and looked at it, but I was like, Yeah, that's the dates and
23 times and I watched it at the police department.

24 Q. Okay. And did you subsequently go back to Walmart
25 and get additional video?

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1 A. Yes, ma'am.

2 Q. Or additional views?

3 A. Yes, ma'am. From a different angle.

4 Q. Okay. I have no further questions. Answer any
5 questions that the attorneys may have for you.

6 A. Okay.

7 THE COURT: Mr. Hazzard?

8 MR. HAZZARD: Can they move that television?

9 THE COURT: Yes.

10 MS. RICHARDSON: Yeah, I think we're...

11 MR. HAZZARD: May it please the Court?

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. HAZZARD:

15 Q. Good afternoon, sir.

16 A. Good afternoon, Mr. Hazzard.

17 Q. So let's go back to March 9th, I think it is.

18 Leon Harrison Sr., I think the Prosecutor asked you, Leon
19 Harrison Sr. came in on that day and talked with y'all and
20 reported his son missing, right?

21 A. Correct.

22 Q. Okay. And he said that he thought that something
23 bad had happened to his son?

24 A. Correct.

25 Q. And he said that his son was selling drugs to the

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1 Mexicans, correct?

2 MS. RICHARDSON: Your Honor --

3 THE WITNESS: I don't remember him telling me
4 that.

5 MS. RICHARDSON: I object.

6 THE COURT: All right. Overruled.

7 BY MR. HAZZARD:

8 Q. If you need to review and refresh your
9 recollection I would suggest you look at, I believe it's
10 Page 54 of your incident report. It's down near the bottom,
11 like the last half paragraph.

12 A. Okay. So I see where you were stating that.

13 Q. Yes, sir.

14 A. Kyle Walton wrote this -- this narrative, not me.
15 If you go back to Page 53.

16 Q. Uh-huh.

17 A. Where it says Narrative Date.

18 Q. Okay.

19 A. So these ones were written by Lieutenant Kyle
20 Walton.

21 Q. Okay. So he told Kyle Walton that?

22 A. Yes, sir.

23 Q. Okay. And you were privy to that information
24 because all of you were working together on this
25 investigation, right?

BERT POWELL - CROSS BY MR. HAZZARD

1 A. No. They -- he spoke with Lieutenant Walton. I
2 was not in that interview nor did I speak with him at that
3 time.

4 Q. So you never discussed the information that Kyle
5 Walton was obtaining as a part of this investigation?

6 A. Not as far as him saying he sold drugs to
7 Mexicans.

8 Q. But that's what it says?

9 A. Okay. Yeah. It may be what it says, but I didn't
10 hear him say that.

11 Q. Gotcha. Gotcha. And so --

12 MS. RICHARDSON: Your Honor, just an objection.

13 THE COURT: Go ahead.

14 MS. RICHARDSON: His initial question put a date
15 on that. I think that may have been some of the confusion,
16 the date that that information --

17 THE COURT: All right. Well --

18 MS. RICHARDSON: -- that he said it was on -- if
19 my understanding, the question was sort of long, that it was
20 on March 9th, the initial report.

21 THE COURT: How about do this: I'm going sustain
22 the objection. Could you ask the question again, please?

23 MR. HAZZARD: Yes, sir.

24 BY MR. HAZZARD:

25 Q. According to your incident report that you've been

BERT POWELL - CROSS BY MR. HAZZARD

1 referring to, On March 17th, Mr. Harrison Sr. came to the
2 police department, advised that his son knew Luis Flores
3 from a job they shared in the past at International Paper
4 with Sunbelt Rentals.

5 When questioned, he told me that being --

6 MS. RICHARDSON: Your Honor, objection.

7 THE COURT: All right. Come on, approach.

8 (WHEREUPON, the following discussion was held at
9 the bench.)

10 MS. RICHARDSON: Your Honor, first of all,
11 hearsay. Mr. Harrison, himself, wasn't here to be
12 questioned about that.

13 Second of all, though, this is going to be an
14 improper third-party guilt. That is just shows a mere
15 suspicion, but it doesn't rise to the level to show that,
16 Flores, as opposed to these individuals, committed the
17 crime.

18 MR. HAZZARD: Well, the thing is, they have been
19 referring to that incident report for the last three days.
20 That is in that incident report.

21 THE COURT: I think it's been referring to the
22 incident report as to what he's been doing. He -- I believe
23 that he answered your question. The gentleman did he know
24 about it. If you want to ask anymore about that, then call
25 the witness who wrote that part of the report. All right,

BERT POWELL - CROSS BY MR. HAZZARD

1 sir?

2 MR. HAZZARD: Okay. Not a problem. Yes, sir.

3 (WHEREUPON, the bench conference ended.)

4 THE COURT: All right. I'm going to sustain the
5 objection. Please proceed, Counsel.

6 BY MR. HAZZARD:

7 Q. Did you ever at some point, you personally,
8 interview, Luis Flores?

9 A. I think me and Investigator Anderson did talk with
10 him, Luis Flores.

11 Q. Okay. And Mr. Flores basically verified what had
12 been said previously that -- what I just asked you about,
13 that was told to Kyle Walton, right?

14 A. Yeah. Mr. Flores told us that that's -- that he
15 bought drugs from him.

16 Q. Okay. Now, let's back up to March 8th. Now, am I
17 correct that based on your investigation -- and when I say
18 your, I mean the investigative team -- that certain Harrison
19 family members were seen searching near the Black River on
20 the 8th?

21 A. I think we had heard something about that, but I
22 can't confirm if they were or not.

23 Q. Okay. All right. Are you familiar with that
24 particular area off of Highway 51 on the Black River?

25 A. Which part? It runs --

BERT POWELL - CROSS BY MR. HAZZARD

1 Q. The river -- I'm sorry. Go ahead.

2 A. It runs like -- I mean, it goes a long ways down
3 51.

4 Q. The part where -- well, Colonel Cole Drive and
5 then up to the Riverview Club.

6 A. Okay. Yes, I'm familiar with that stretch of road
7 and river.

8 Q. Okay. Now, is the Riverview Club upstream from
9 where Mr. Harrison Jr.'s body was recovered or downstream?

10 A. It depends on the tide.

11 Q. So it can run either way? It can run away from
12 the ocean?

13 A. Correct. All up to the tides, it can go up and
14 down. Sometimes it's flowing on way, sometimes when the
15 tide goes out, it flows to the ocean. When the tides come
16 in, it flows up the river.

17 Q. But can we agree that the Black River eventually
18 runs to the Atlantic Ocean?

19 A. It does.

20 Q. Okay. Atlantic Ocean doesn't run all the way from
21 the Black River --

22 A. So Colonel Cole would be -- if you had to put a
23 direction on it -- would be east, closer to the ocean than
24 the River (sic) Club.

25 Q. So, eventually, any water that in the Black River

BERT POWELL - CROSS BY MR. HAZZARD

1 that is at the Riverview Club is eventually going to flow
2 past Colonel Cole Drive?

3 A. Correct. At some point, yes.

4 Q. Okay. Thank you, sir. And I believe -- I don't
5 know -- and if I ask you about -- because this report is
6 73-pages long, right?

7 A. Correct.

8 Q. All right. There are parts of it that you did,
9 parts of it that Investigator Morris may have entered, and
10 apparently parts that Kyle Walton entered.

11 If I ask you about a part that has nothing to do
12 with you, please tell me.

13 A. Okay.

14 Q. I apologize.

15 But then on March 9th, Harrison -- Mr. Harrison
16 Sr. and Brittani Green separately come in to report
17 Mr. Harrison Jr. missing; is that correct?

18 A. Correct.

19 Q. Okay. And, obviously, as we've already seen,
20 there were multiple times when the police spoke with, you
21 know, Alex Sr. over here -- Alexander Rhue Sr.?

22 A. Yes, sir.

23 Q. Okay. And on March 30th he was charged with
24 obstruction of justice; is that correct?

25 A. Correct.

BERT POWELL - CROSS BY MR. HAZZARD

1 Q. Okay. And then on March 31st he was charged with
2 accessory after the fact to an A, B, or C felony; is that
3 correct?

4 A. Correct.

5 Q. And then on May 10th he was charged with murder,
6 criminal conspiracy, and these other things?

7 A. Correct.

8 Q. Okay. Now, as part of your investigation, you
9 obviously had the opportunity to search, I think, it's 1015
10 Highmarket Street?

11 A. Yes, sir.

12 Q. Okay. And you indicated, I believe, when the
13 Solicitor was showing you pictures, that there was a room
14 that you perceived to be Alexander Sr.'s room or at least
15 the room he would use when he would stay there?

16 A. Correct.

17 Q. And did you have the opportunity to search
18 everything in that room?

19 A. If I'm not mistaken, like, I said, this was over
20 four years ago.

21 Q. Yes, sir.

22 A. We searched every room in the house through the
23 dresser drawers, under beds, mattresses, you know, closets,
24 whatever.

25 Q. All right. And so you had the opportunity to

BERT POWELL - CROSS BY MR. HAZZARD

1 search any and all clothing that was in that room?

2 A. Yes, sir, to my knowledge.

3 Q. Okay. And any and all bedding in the room?

4 A. Correct.

5 Q. And any and all suitcases, backpacks, anything of
6 that nature?

7 A. Yes, sir.

8 Q. Was there anything in that room that you did not
9 have access to, to your knowledge?

10 A. I don't think it -- I don't think there was. But,
11 like I say, that was four years ago.

12 Q. Yes, sir. And when Mr. Rhue Sr. was arrested,
13 y'all even went out and searched the clothes and the shoes
14 at the detention center; isn't that correct?

15 A. Correct.

16 Q. Okay. And then, as part of your investigation on
17 April 25th, y'all went out to the school, the different
18 schools where the five children attended and had someone
19 interview the children in your presence; is that correct?

20 A. Someone did, I didn't. I didn't go to any of the
21 schools when any of that took place. I think that was our
22 victim's advocate at the time.

23 Q. Yes, sir. Yes, sir. I understand that
24 completely. You have a female, I believe her name is Shonda
25 (ph)?

BERT POWELL - CROSS BY MR. HAZZARD

1 A. Shonda, yeah.

2 Q. And she talked with the kids?

3 A. Correct.

4 Q. Okay. And at some part during the investigation
5 law enforcement searched every car related to Alexander Rhue
6 Sr., correct?

7 A. Yes. I think the search warrant where we did that
8 had anything that was on the property, outbuildings,
9 vehicles, all that.

10 Q. Okay. And so you had that opportunity?

11 A. Correct.

12 Q. And y'all took advantage of the opportunity, you
13 actually searched?

14 A. Correct.

15 Q. Okay. And then you had mentioned, I believe, how
16 Mr. Harrison Jr.'s hands and feet were bound, correct?

17 A. Correct.

18 Q. And it was bound with some type of speaker wire?

19 A. Correct.

20 Q. So you searched 10 -- is it 1015 Highmarket
21 Street?

22 A. Yes.

23 Q. Okay. So you searched that residence
24 specifically, or part of the reason, was specifically
25 looking for speaker wire that would match that, correct?

BERT POWELL - CROSS BY MR. HAZZARD

1 A. Correct.

2 Q. And you didn't find any, did you?

3 A. No, sir.

4 Q. Okay.

5 MR. HAZZARD: Court's indulgence, Your Honor.

6 THE COURT: Yes, sir.

7 BY MR. HAZZARD:

8 Q. How long have you been a police officer in the
9 Georgetown area, for whichever department and in whatever
10 capacity?

11 A. I worked with the Sheriff's Office -- total I've
12 been with the Sheriff's Office for approximately five years
13 total, two times. And I worked with the Georgetown Police
14 Department about three-and-a-half years.

15 Q. So we're talking about almost nine years overall?

16 A. Correct.

17 Q. From today?

18 A. Correct.

19 Q. So then you would have started probably sometime
20 in 2012 or 2013?

21 A. I started at the Sheriff's Office, the first time,
22 2008.

23 Q. Oh, okay. To your recollection, did Georgetown
24 have license plate readers in February of 2017?

25 A. I don't think we did.

BERT POWELL - CROSS BY MR. VOIGT

1 Q. Okay. But you're not completely sure?

2 A. I'm not completely sure. I know at one time, they
3 did, but I think I was with the Sheriff's Office, that's the
4 first time. I think I was with the city at this time, I
5 want to say they were inoperable or they were not operating,
6 I don't know.

7 Q. Would you have any idea of when they were operable
8 and when they were not?

9 A. Not really.

10 Q. All right. Thank you. I don't have any further
11 questions.

12 THE COURT: All right. Mr. Voigt?

13 MR. VOIGT: May it please the Court?

14 THE COURT: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. VOIGT:

17 Q. Sergeant, hello.

18 A. Hello, sir.

19 Q. I'm going to move this a little closer so I don't
20 have to shout quite as much.

21 Since that's where Mr. Hazzard left it, why don't
22 we start with your experience a bit.

23 South Carolina Criminal Justice Academy. How long
24 do you spend training there?

25 A. I had to go twice. I went one time -- the first

BERT POWELL - CROSS BY MR. VOIGT

1 time I went 2006 for nine weeks.

2 Q. Nine weeks?

3 A. Correct.

4 Q. Okay. And then the second time you went?

5 A. The second time I went was 12 weeks.

6 Q. Twelve weeks, okay.

7 And you have been a narcotics -- a K9 dog, a
8 narcotics officer, I think you've been a bloodhound officer?

9 A. Bloodhound handler, yes, sir.

10 Q. That's right. And dog handling's a completely
11 different kind of skill in a police sense than working with
12 people, right?

13 A. Absolutely.

14 Q. Okay. You've taken an interview class; is that
15 right?

16 A. Yes, sir.

17 Q. To which you testified.

18 A. I did, yeah.

19 Q. And you've had investigator training?

20 A. Correct.

21 Q. Okay. And you became an investigator on March 6,
22 2017?

23 A. Whatever that Monday was. Whatever date that
24 Monday was.

25 Q. I wrote down March 6th, because I think that's

BERT POWELL - CROSS BY MR. VOIGT

1 what you said on direct.

2 A. I think so, sir. The Thursday -- I think we took
3 the initial report from Mr. Leon on Thursday at night. So
4 whatever that Monday was, I think it may have been the 6th.

5 Q. Okay. So you had been an investigator for the
6 Georgetown Police Department three days when Mr. Leon came
7 in?

8 A. Correct.

9 Q. Okay. At any other time in your law enforcement
10 experience with the Sheriff's Office and then with the City,
11 had you been an investigator before?

12 A. Other than a narcotics investigator, no.

13 Q. That's right. Okay.

14 And being a -- I don't what Georgetown calls it,
15 but being a persons investigator or CID, that's again a
16 different skill set than a narcotics investigator, right?

17 A. Correct.

18 Q. Okay. And what kind of a crime is missing
19 persons?

20 A. It's not.

21 Q. So, when this began, this was not a criminal
22 investigation?

23 A. Not when it began, no.

24 Q. Okay. And what sort of powers do you have when
25 you're investigating things that aren't crimes? Is it

BERT POWELL - CROSS BY MR. VOIGT

1 different than when you're investigating crimes?

2 A. No, we're just looking for information.

3 Q. Okay. And when you look for information, you can
4 talk to people and interview them; is that right?

5 A. Yes, sir.

6 Q. And can you go into their houses and look at their
7 stuff?

8 A. If they let you or if you have a search warrant.

9 Q. Okay. If they let you, that's one thing that you
10 said, right. And if you have a search warrant, right?

11 MS. RICHARDSON: Your Honor, I object.

12 THE COURT: All right. Approach.

13 (WHEREUPON, a bench conference was had.)

14 THE COURT: I've overruled the objection. Please
15 proceed, sir.

16 BY MR. VOIGT:

17 Q. So you just said that to get into somebody -- you
18 don't have free right to go into people's houses, right?

19 A. No, you can't just walk in. You have to have
20 consent or a search warrant.

21 Q. Okay. And you've been trained that way, right?

22 A. Correct.

23 Q. You were trained that way -- you had to have had
24 that twice at the Academy, right? And your investigator
25 training, I'm sure, covered some of that, right?

BERT POWELL - CROSS BY MR. VOIGT

1 A. Well, I didn't actually go to investigator
2 training until after a lot of this had taken place.

3 Q. So you were learning on the job, then?

4 A. Absolutely.

5 Q. Okay. And -- but at some point, you had had some
6 sort of training in how to write an affidavit in -- to
7 support a search warrant and that sort of thing, right?

8 A. Yes.

9 Q. And one of the things you have to put in a search
10 warrant, right is probable cause that a crime's been
11 committed, right?

12 A. Correct.

13 MS. RICHARDSON: Your Honor, objection again,
14 because that's not the only thing.

15 THE COURT: Come on up.

16 (WHEREUPON, a bench conference was had.)

17 BY MR. VOIGT:

18 Q. And so Officer --

19 THE COURT: Whoa, whoa, whoa.

20 MR. VOIGT: I'm sorry, Judge.

21 THE COURT: That's all right.

22 I'm going to sustain the objection. Go ahead.

23 BY MR. VOIGT:

24 Q. And so, Officer, so that we're clear, the very
25 first time you went to 1015 Highmarket Street with a search

BERT POWELL - CROSS BY MR. VOIGT

1 warrant, you were not aware that a crime had been committed,
2 right?

3 A. No.

4 Q. Okay. And --

5 A. I also didn't get that search warrant.

6 Q. No, I understand. But you were present, though,
7 when it was executed, right?

8 A. Correct.

9 Q. We saw a picture of you?

10 A. Correct.

11 Q. You always try get into the pictures while you're
12 doing search warrants?

13 A. No. I try not to. It was inevitable, I think.

14 Q. Do this for me, if you would, I have a habit of
15 talking over people. And if you could wait for me to end,
16 I'll try to wait for you to end, because I think that last
17 one, we just were doing this to each other. I don't want to
18 do that.

19 A. Okay.

20 Q. So, what was the very first time you entered 1015
21 Highmarket?

22 A. It would have been on the night or the evening we
23 did the first search warrant.

24 Q. Okay. And at that point you had no idea that a
25 crime had been committed, right? Just so that we're clear?

BERT POWELL - CROSS BY MR. VOIGT

1 A. Correct.

2 Q. And you were looking, as I understood your
3 testimony on direct, you were looking for evidence that Leon
4 Harrison Jr. lived there, right?

5 A. We were looking for proof of residency.

6 Q. Proof of residency.

7 Now, you already had his records from the DMV,
8 right?

9 A. I think we did have a printout of it, yes.

10 Q. Because we -- you saw one earlier and it's
11 somewhere on this table, right?

12 A. Correct.

13 Q. Okay. So you came with that information.

14 A. Uh-huh.

15 Q. Okay. And proof of residency, what kinds of
16 things -- you were one of the people looking, right?

17 A. Correct.

18 Q. What are you looking for? What kind of thing are
19 you looking for?

20 A. I was looking for mail with addresses on it. Any
21 kind of -- like, we found some medication there that had his
22 name on it. We had -- we found some tickets from Maryland
23 that had his address there on it. That kind of thing.
24 Stuff that would show that he received there, he gets mail
25 there, therefore he would be a resident of that address.

BERT POWELL - CROSS BY MR. VOIGT

1 THE COURT: All right. I'm going to stop for a
2 minute. I'm going to send the jury back to the jury room,
3 we need to take up something outside of your presence, okay?

4 (WHEREUPON, the jury exited the courtroom at 4:02
5 p.m.)

6 THE COURT: All right. We'll be at ease for
7 five minutes.

8 (WHEREUPON, there was a break held from 4:02 p.m.
9 until 4:09 p.m.)

10 THE BAILIFF: All rise.

11 THE COURT: All right. You can be seated. Thank
12 you.

13 All right. Anything before we bring the jury back
14 in from the State?

15 MS. RICHARDSON: Your Honor, I object to any line
16 of questioning that goes to the pretrial rulings from Your
17 Honor. I mean, I think we're getting dangerously close to
18 the point of, I think the Judge said you were wrong, and
19 asking him to draw legal conclusions that all of us argued
20 about and briefed ad nauseam.

21 I just think that's an improper line of
22 questioning and it's improper and he's going to try to get
23 into the Court's rulings that is completely improper.

24 THE COURT: All right. Mr. Voigt?

25 MR. VOIGT: I haven't done any of those things,

BERT POWELL - CROSS BY MR. VOIGT

1 Judge. I'm allowed to explore what the Officer did through
2 my cross-examination just like the State did through its
3 direct examination.

4 I get to go into his training, his understanding
5 of the law, and what his duties are. I have not asked a
6 question that has put the Court's ruling in jeopardy. And I
7 think, as Mr. Edgeworth said, it's fair game at trial. I
8 mean, you could potentially change your mind. I doubt you
9 will, but you could.

10 MS. RICHARDSON: And can I respond to that?

11 THE COURT: Absolutely.

12 MS. RICHARDSON: And, Your Honor, now he knows. I
13 mean, that was one of the issues, is now he knows the
14 results of the Court's ruling as far as on the search
15 warrant. So I think that that's sort of improper to go into
16 the rulings that the Court -- I mean, basically, it's
17 education that maybe he got from the Court.

18 And also, he didn't issue the first -- or he
19 didn't do the affidavit for the search warrant.

20 THE COURT: All right.

21 MS. RICHARDSON: And I just think he's asking you
22 to draw a legal conclusions about, Do you have probable
23 cause? What is the legal standard for a search warrant?
24 That is a little more intricate than --

25 THE COURT: He's not going to do that. He knows

BERT POWELL - CROSS BY MR. VOIGT

1 he can't do that.

2 Let me -- did you have something to say? And I'm
3 happy to hear from you.

4 MR. EDGEWORTH: Your Honor, all I was going to add
5 in contribution to our argument here, or my argument,
6 because I would be asking similar questions, is that, of
7 course, Your Honor's ruling, and not that anything would
8 change, was on the basis of basically a summary proceeding.

9 We didn't have an adversarial proceeding where
10 that could be -- this information would have been gleaned
11 for the purposes of that -- of your determination. And, of
12 course, the whole reason why we have to continuously object
13 is because it's not a final ruling. So I -- barring asking
14 the witness to make a legal conclusion, I think it's
15 certainly appropriate to ask questions fact-based so the
16 Court can hear them.

17 MR. VOIGT: And my last question, Judge ---

18 THE COURT: Hold on. Hold on. I want to get
19 Mr. Hazzard in on this. I know he's ready to go.

20 MR. HAZZARD: Yes, sir. All I would say is, to
21 respond very briefly to the Solicitor's last statement, is
22 that the State has had the opportunity to put in copious
23 pictures from the first and the second search warrant,
24 but -- and they did them through this witness.

25 So to say, Well, you know, he wasn't involved in

BERT POWELL - CROSS BY MR. VOIGT

1 drawing up the affidavit, this, that and the third, I would
2 think that that is kind of unfair to the defense in that
3 regard.

4 MS. RICHARDSON: But, Your Honor, what is the
5 relevancy of your ruling that the search warrant is invalid?
6 The pictures are coming in because of the last search
7 warrant that he did do.

8 THE COURT: All right. We're not getting into the
9 search warrant. We're not going to ask him questions about
10 why did he move a tote when he was only there to look for
11 papers. We're not going ask questions that are going to get
12 into the search warrant and the exclusion. You asked for it
13 to be excluded, it's excluded. The pictures all came in
14 through the third warrant, which was inevitable. There was
15 no changes.

16 Now, if you want to ask him a question that when
17 he went to the house the first time, did it look the same as
18 it did the third -- you know, maybe so. But getting into
19 the search warrant, getting into exceeding the scope of the
20 search warrant, getting into what a judge may have ruled
21 about it, I'm not going to allow any of that.

22 MR. VOIGT: If I might be heard briefly on that,
23 Your Honor.

24 THE COURT: Absolutely.

25 MR. VOIGT: And I'd like you to consider one part

BERT POWELL - CROSS BY MR. VOIGT

1 of what you just said, because I believe it is -- first of
2 all, I'm not going to ask him anything about a prior
3 proceeding or a prior ruling and I haven't.

4 But I do want to ask him why he believed he needed
5 to move a tote or a blanket. I think they've already asked
6 him that and I get to ask him that on cross-examination.
7 And if I want to tell this jury at the end of the day what I
8 think that means I think I get to do that. But I think I
9 get to ask him a question about why he thought papers were
10 being hidden under a carpet.

11 And to restrict me from asking that question,
12 while allowing the State to explore that same thing that
13 gets to a central piece of evidence in this case, inhibits
14 my ability to defend my client.

15 THE COURT: I disagree.

16 MR. VOIGT: Okay. Well --

17 THE COURT: I disagree, sir. You can ask him why
18 he moved the tote.

19 MR. VOIGT: You just said I couldn't.

20 THE COURT: No, no, no. You can ask him why he
21 moved it, but you can't go and ask him, Hey, you were only
22 there to move it to look for -- when he moved it, I got the
23 first two out, the third comes in. He was looking for
24 blood, looking for all sorts of stuff, on the third warrant.

25 The third warrant, he was able to move, correct?

BERT POWELL - CROSS BY MR. VOIGT

1 Yes, he --

2 MR. VOIGT: I'm asking very specific questions
3 about the very first time he enters the house. I believe I
4 can ask him about what he does when he enters the house.

5 THE COURT: You can't -- I'm not going to allow
6 you, sir, to ask him questions about the first search
7 warrant and looking for papers and then ask why he moved the
8 tote. I'm not going to allow you to do that. I think
9 that's improper.

10 You can go and you can ask questions about him
11 moving the tote, but not in the context, sir, of the search
12 warrant and being improper. I'm not going to allow you to
13 argue that he did something improper as it relates to moving
14 the tote on the first -- on the first visit, because that's
15 just going to -- I don't think that's an accurate reflection
16 of where we are.

17 You can ask him about his investigation. You can
18 ask him anything you want. But getting into those things,
19 I'm just not -- I think the Solicitor's correct, I'm not
20 going to allow that.

21 MR. VOIGT: We have made the record, so I've noted
22 my exception and then...

23 THE COURT: That's fine.

24 Does anybody else -- y'all going to join in?
25 That's -- I mean, whatever y'all want to do.

BERT POWELL - CROSS BY MR. VOIGT

1 MR. HAZZARD: I do join in on the objection for
2 this specific reason -- and maybe I'm misunderstanding the
3 Court's ruling. What I think you said was that Mr. Voigt
4 cannot ask him, basically, anything about the first search
5 warrant which was -- but he can ask him about moving the
6 tote, which I believe was part of the first search warrant.

7 So I'm -- and the Court, basically, agreed with
8 Mr. Voigt with regard to the first and second search
9 warrants, because he said they were improper.

10 THE COURT: All right. What I'm -- okay.

11 MR. HAZZARD: I'm confused, is my position.

12 THE COURT: Well, I mean --

13 MR. HAZZARD: But I join in his objection.

14 MS. RICHARDSON: Can I address?

15 THE COURT: Yeah.

16 MS. RICHARDSON: This is the State's issue: The
17 State's issue is I don't think you can have pretrial
18 hearings and come in and just pretty much say, Ha ha, the
19 Judge ruled against you. I mean, that's kind of what we --
20 you did a bad job, because the Judge ruled against you.

21 And I think that's kind of what we're getting
22 into. Even if he doesn't ask it specifically that way, he's
23 drawing that conclusion and we're never going to be able to
24 argue how it later came in.

25 It would be just like saying, Hey, how come that

BERT POWELL - CROSS BY MR. VOIGT

1 confession got kicked, didn't it? Or half of that statement
2 got kicked?

3 Those matters are outside of the jury's presence
4 for a reason. And some of these legal issues are close
5 calls and are difficult for us to argue or make decisions
6 on. But to try to make an Officer look bad or to impeach
7 his credibility because search warrants were suppressed,
8 which, even if he doesn't say those words, that's what he's
9 insinuating to the jury.

10 THE COURT: Go ahead.

11 MR. VOIGT: That's not close to what the question
12 was, what the answer sought to be elicited was. It's not
13 close. It's the State's subjective understanding of their
14 fear that, God forbid, the jury should learn a little bit
15 about the truth of this case. I did not ask a question
16 close to that.

17 THE COURT: But the answer was on -- was spot on.

18 MR. VOIGT: What do you mean the answer was spot
19 on?

20 THE COURT: What you want to -- what you want to
21 elicit is exactly what she's talking about. You may have
22 not asked the question. We all know why you want to -- why
23 you want to go where you're going.

24 And so to that extent ---

25 MR. VOIGT: And I will put this point out there

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1 just for consideration.

2 THE COURT: Yes, sir.

3 MR. VOIGT: The jury still gets to make its own
4 independent determination of the voluntariness of all these
5 statements. I think that hiding too much from the jury to
6 protect the State's precious theory of the case does not due
7 justice in this matter.

8 I have heard the Court's ruling and I'm going to
9 obey it and I've made the exception. So I'm not arguing
10 past that.

11 THE COURT: Hold on. Yes, sir.

12 MR. EDGEWORTH: Yes, Your Honor. For the record,
13 I just want to make sure that I am joining in on the same
14 objection.

15 THE COURT: Sure.

16 MR. EDGEWORTH: And then also make a clarification
17 because, likewise, I was little confused to the Court's
18 instruction. Are we allowed to ask questions, fact-based
19 questions related to which was the execution of the search
20 warrant? Such as, can I say, You know, why did you move the
21 box without referencing, Well, you weren't supposed to do
22 that?

23 THE COURT: Yeah. You can do that.

24 MR. EDGEWORTH: Okay.

25 THE COURT: What you can't do is bring up the

BERT POWELL - CROSS BY MR. VOIGT

1 search warrant at this point. You're not going to be -- I
2 mean, I'm not going to allow you to argue or to suggest that
3 this Officer did something wrong by moving a tote when he
4 only had a search warrant to look for papers. That's what
5 I'm not going to allow.

6 So if you want to -- you want to ask about moving
7 the tote, that's fine, but we're not -- first or second
8 search warrant, I'm not going allow that.

9 MR. EDGEWORTH: Okay.

10 THE COURT: All right. Does everybody understand?

11 MR. HAZZARD: Yes, sir.

12 MR. EDGEWORTH: Yes, Your Honor.

13 MR. VOIGT: I've noted my exception.

14 THE COURT: Yes, sir.

15 MR. VOIGT: I think I understand and you'll
16 correct me if I don't. I think I understand exactly what
17 the limits on my questions are.

18 THE COURT: Anything else?

19 MS. RICHARDSON: And just to clarify the record,
20 because I think I'm the one that caused this confusion at
21 the hearing. The evidence has been that, at the first
22 search warrant for documents, it was a rug and a blanket
23 that was moved. And then when they got the second search
24 warrant, which Your Honor ruled was based on the first
25 search warrant, that's when the tote was moved.

BERT POWELL - CROSS BY MR. VOIGT

1 THE COURT: All right.

2 MS. RICHARDSON: That was my mistake and I didn't
3 want any arguments or --

4 THE COURT: That's all right. Either way, no
5 one's going to ask questions about search warrant A only
6 limiting this and then why did you move something else,
7 that's what I'm not allowing. All right?

8 MR. VOIGT: And I think I've already asked all the
9 other questions I would have already done.

10 THE COURT: Okay. All right. Anything before we
11 bring the jury back in from the State?

12 MS. RICHARDSON: Not from the State, Your Honor.

13 THE COURT: From the defense?

14 MR. HAZZARD: No, sir.

15 MR. EDGEWORTH: No, Your Honor.

16 THE COURT: All right. Great. Let's get the jury
17 back in.

18 (WHEREUPON, the jury entered the courtroom at 4:27
19 p.m.)

20 THE COURT: All right. Thank you, ladies and
21 gentlemen. Mr. Voigt, please continue.

22 MR. VOIGT: Thank you, Your Honor.

23 BY MR. VOIGT:

24 Q. So Sergeant, when did this investigation -- on
25 what date, if you can recall, did this investigation go from

BERT POWELL - CROSS BY MR. VOIGT

1 being a non-criminal investigatory matter, which is a
2 missing persons, to a criminal matter?

3 A. I don't want to be incorrect here, but I would say
4 probably around the -- around the time where Mr. Leon was --
5 body was found in the river.

6 Q. Okay.

7 A. You know, I'll say that's a good -- that would
8 probably be a good date.

9 Q. And at various points in the statements that we've
10 heard, we've heard about the Georgetown Police Department's
11 commitment to this missing person's case.

12 Is it safe to say that this was the biggest case
13 in the City of Georgetown from the time the missing person's
14 case was initiated on the 9th until Mr. Harrison's body was
15 found?

16 A. Was it the biggest?

17 Q. Yeah. Was it the biggest?

18 A. I don't know if it was the biggest, but we did put
19 in a lot of man hours on it.

20 Q. And you had more than just you and Investigator
21 Morris working on this, right?

22 A. Correct.

23 Q. I mean, how large is the Georgetown Police
24 Department?

25 A. Well, the investigations department was me,

BERT POWELL - CROSS BY MR. VOIGT

1 Investigator Morris, Investigators Ken Anderson and
2 Lieutenant Kyle Walton.

3 Q. And so all -- that entire department, at least for
4 part of their time, was devoted to this missing person's
5 case. Is that safe to say?

6 A. Yes, that is safe to say.

7 Q. And I saw you -- and just so the jury knows, when
8 you're looking down, you're looking at your police report,
9 which I think we have established is 73-pages long?

10 A. Yes, sir.

11 Q. And kind of hard to get through.

12 And I think the reason why you're using it is
13 because with the passage of time you want to be accurate as
14 to times and dates and that sort of thing. Is that safe to
15 say?

16 A. Yes, as accurate as I can. Yes, sir.

17 Q. Okay. And that document, which has more than --
18 more entries than just yours, has entries from other
19 officers, it helps you refresh your recollection, right?

20 A. Yes, sir.

21 Q. And that's why you're able to refer to it?

22 A. Yeah. Not completely, but...

23 Q. And what you testify to, though, what you're going
24 to tell the jury, is from your memory, it's not just what
25 was written on that paper, right?

BERT POWELL - CROSS BY MR. VOIGT

1 A. There are some things that are in here, yes.

2 Q. No. What I'm saying, though, is if that refreshes
3 your recollection, then you have it in your head -- what
4 you're going to tell this jury is what you remember, right?

5 A. Yeah, what I can remember. Summarize it to the
6 best of my knowledge, yes.

7 Q. Okay. Now, I think when you were talking to
8 Mr. Hazzard and when you were talking to the State, we
9 established that you did multiple search warrants on
10 Highmarket Street. Is that safe to say?

11 A. Yes, sir.

12 Q. And you did search warrants of a couple of
13 vehicles associated with the Rhues. Is that safe to say?

14 A. Correct.

15 Q. Okay. Did you participate in the vehicle search
16 warrants?

17 A. Yes.

18 Q. Okay. And did you do -- did you participate,
19 personally, in the execution of any search warrants on any
20 other physical location?

21 A. I don't know if I did or not. I don't remember.

22 Q. Okay.

23 A. I don't remember going anywhere other than there.

24 Q. Okay. So we've heard some talk about a
25 Ms. Brittani Green. Does that...

BERT POWELL - CROSS BY MR. VOIGT

1 A. Yes.

2 Q. You didn't execute a search warrant on any
3 location -- you personally didn't participate in a, either
4 the preparation or the execution of a search warrant, having
5 anything to do with her. Is that safe to say?

6 A. I don't remember if I did or not.

7 Q. Okay. And you've got your report there. I'm not
8 even going to ask you to flip through it, but if you don't
9 remember it, you don't remember it, right?

10 A. Yeah, I don't remember it.

11 Q. Rosario Grate, we've heard a little bit about her.
12 Did you participate in either the drafting or the
13 execution of a warrant having anything to do with the
14 physical location associated with her?

15 A. Not that I remember.

16 Q. We've heard from Leon Harrison Sr. and we've heard
17 about an address on Front Street.

18 Did you execute a search warrant there,
19 participate in the execution or the drafting of the search
20 warrant for that location?

21 A. Not that I remember.

22 Q. So were there any other car search that you
23 recall, that you participated in?

24 A. No, sir. Not that I remember.

25 Q. So the only searches that you recall participating

BERT POWELL - CROSS BY MR. VOIGT

1 in, in any capacity, would have been associated with the
2 Rhues?

3 A. Correct.

4 Q. Okay. Maybe you mentioned it, maybe you didn't, I
5 can't remember. Did -- did you mention what color the
6 speaker wire was?

7 A. I don't think I did.

8 Q. Do you recall what color the speaker wire was?

9 A. I want to say maybe it was tan in color or
10 brown -- like standard speaker wire, I guess.

11 Q. Okay. Did you ever, to the best of your
12 knowledge, and this is just based on what you did now, did
13 you ever find any -- did you ever find any speaker wire
14 consistent with the wire that was found on Leon Harrison
15 Jr.'s body?

16 A. They sell it at Walmart or Radio Shack. We went
17 there to see if we could find some similar to it, yes.

18 Q. Did you? Did you find some similar to it?

19 A. I wouldn't say it was exact, but we found some
20 hanging on the shelf that was, you know, similar to it.

21 Q. Okay. Did you ever send it -- wait a second, let
22 me back you up here.

23 A. Okay.

24 Q. Did you go to Radio Shack?

25 A. I think we did. I think we may have.

BERT POWELL - CROSS BY MR. VOIGT

1 Q. 2017 you went to Radio Shack. Yeah?

2 A. It wasn't Radio Shack. It was named something
3 else now.

4 Q. You'd be hard pressed to go to a Radio Shack,
5 right?

6 A. Yeah. I forgot they changed names.

7 Q. Changed names would be gentle to what happened to
8 Radio Shack.

9 MS. RICHARDSON: Your Honor, I object to that
10 commentary.

11 THE COURT: And I sustain that objection.

12 MR. VOIGT: Thank you, Your Honor.

13 MS. RICHARDSON: And I'd strike it from the
14 record, because that's actually ---

15 THE COURT: That's -- that's -- go ahead.

16 MS. RICHARDSON: I would like to strike the
17 reference that Radio was out of business from the record,
18 because that's not something that's been established.

19 THE COURT: I agree. Disregard. We don't know
20 when Radio Shack went out of business. Thank you.

21 Proceed.

22 MR. VOIGT: Did I say that?

23 THE COURT: Proceed.

24 MR. VOIGT: Thank you, Judge.

25

BERT POWELL - CROSS BY MR. VOIGT

1 BY MR. VOIGT:

2 Q. Did you ever find any speaker wire at any location
3 that you can recall that you sent to be compared to the
4 speaker wire that was used to bind Leon Harrison Jr.'s body?

5 A. Not to my -- not to my -- I can't remember doing
6 that.

7 Q. Okay. And you were involved in this case -- how
8 long did you stay with Georgetown Police Department?

9 A. I was there three-and-a-half years.

10 Q. When did you leave?

11 A. April 2018.

12 Q. Okay. So is it safe to say that you were with the
13 Georgetown Police Department during all the material aspects
14 of this investigation?

15 A. The first, yeah -- the first part, yeah. I only
16 stayed in the CID Division for like six months, then I went
17 back to patrol.

18 Q. So you went back to patrol?

19 A. Correct.

20 Q. Okay. So you were back on the street, which is,
21 again, a different skill set than --

22 A. Completely.

23 Q. And did you participate in any other aspects of
24 this investigation that neither the State nor Mr. Hazzard
25 have asked you questions about; if you recall?

BERT POWELL - CROSS BY MR. VOIGT

1 A. I don't know what you would be referring to.

2 Q. Well, we've testified -- you've testified that you
3 talked on numerous times to Alexander Rhue Sr.; is that
4 true?

5 A. Yes.

6 Q. I try to put this in the form of a question so
7 that you can tell me yes or no.

8 And you've participated in multiple interactions
9 with Ms. Tiesh Rhue; is that correct?

10 A. Correct.

11 Q. And you executed search warrants. We've already
12 talked about that; is that correct?

13 A. Correct.

14 Q. And I think you said that you testified, rather,
15 you talked to Mr. Harrison Jr.'s boss --

16 A. Correct.

17 Q. -- when he was constructing the bridge, is that
18 right?

19 A. Correct.

20 Q. And did you talk to the folks at Sunbelt Rentals?

21 A. Yes, we did, about the guy Mr. Hazzard mentioned,
22 Flores.

23 Q. And you participated in the interview with
24 Mr. Flores; is that right?

25 A. Yeah. Correct.

BERT POWELL - CROSS BY MR. VOIGT

1 Q. And Mr. Flores' connection to Mr. Harrison was
2 what?

3 A. It was his drug dealer.

4 Q. Okay. And you actually participated in an
5 interview with somebody else, right, concerning that?

6 A. I think that was Flores' roommate, maybe, or
7 coworker.

8 Q. Was his name Ricardo Cabral?

9 A. May have been.

10 Q. Okay. And did you utilize the skills you learned
11 as a narcotics investigator in those interviews?

12 A. I would just ask him how did he know the missing,
13 you know...

14 Q. So at that point in the -- do you recall when you
15 did those two interviews? And if you need to look, please
16 feel free.

17 A. This would say, myself, along with Investigator
18 Anderson, interviewed Mr. Flores on March the 17th.

19 Q. Okay. And the other individual, when did you
20 interview him?

21 A. It says that Ricardo, however you say his last
22 name, he was -- he was also interviewed that day.

23 Q. Okay. And that was you and Investigator Anderson?

24 A. Yes, sir.

25 Q. Okay. And during the course of your

BERT POWELL - CROSS BY MR. VOIGT

1 investigation, were you able to determine or confirm where
2 those two individuals were from, say, February 25th to the
3 time that you interviewed?

4 A. So, according to Mr. Flores, he last spoke to
5 Mr. Harrison on --

6 MS. RICHARDSON: Your Honor, I object. We're
7 getting into hearsay and my previous objection.

8 THE COURT: All right. I'm going to -- I'll
9 sustain on hearsay.

10 BY MR. VOIGT:

11 Q. Officer, listen if you can. I'm trying not to
12 elicit what somebody else may have said to you. After you
13 met with those individuals --

14 A. Correct.

15 Q. -- did you do anything as an investigating officer
16 to determine where there whereabouts may have been from
17 February 25th to the time you interviewed them?

18 In other words, what you did, not what you heard.

19 A. We asked them where they were at.

20 Q. Excuse me?

21 A. We asked them where they were at.

22 Q. Okay. And then, presumably, you got some sort of
23 answer.

24 A. Correct.

25 Q. Did you go and confirm with other people --

BERT POWELL - CROSS BY MR. VOIGT

1 A. Yes.

2 Q. -- or do any sort of other investigation?

3 A. We did.

4 Q. Okay. And were those people, to the best of your
5 knowledge, could you confirm whether they were or were not
6 in Georgetown?

7 A. According to what we were able to find out they
8 were in Georgetown on that night.

9 Q. Did there come a time that they subsequently left
10 to the best that you could determine through your own
11 investigation?

12 A. Correct.

13 Q. Okay. Did you ever have to travel out of state to
14 confirm any of that?

15 A. I did not.

16 Q. Did you or anybody that you were aware of in the
17 course of this investigation have to communicate with
18 persons out of state for such confirmation?

19 A. Yes. With Mr. Flores, yes.

20 Q. Okay. Now, in your investigation, did you ever
21 seek any information about where Leon Harrison Jr. obtained
22 the drugs that he sold to Mr. Cabral and Mr. Flores?

23 MS. RICHARDSON: Your Honor, I object to this.

24 THE COURT: All right. Counsel, approach.

25 (WHEREUPON, a bench conference was had.)

BERT POWELL - CROSS BY MR. VOIGT

1 THE COURT: All right. I'm going to sustain the
2 objection. Let's proceed, Mr. Voigt. Thank you.

3 BY MR. VOIGT:

4 Q. Okay. So based on the information that you
5 learned from those two individuals, you did not further your
6 investigation any more in that direction, did you?

7 A. No, sir.

8 Q. Okay. And did you further your investigation with
9 any other known associates of Leon Harrison Jr., to your
10 knowledge?

11 A. I don't know that we found that he had very many
12 known associates.

13 Q. Okay. Is it safe then to say that the answer is
14 Yes, that you did not?

15 MS. RICHARDSON: Your Honor, I believe that he's
16 answered that.

17 THE COURT: Hold on. Overruled. I didn't hear
18 it. How about ask the question again?

19 MR. VOIGT: Thank you very much, Your Honor.

20 BY MR. VOIGT:

21 Q. Maybe, I'll ask it this way: Because you didn't
22 know of any other known associates of Mr. Leon Harrison Jr.,
23 is it true that you didn't investigate leads involving those
24 sorts of known -- and I don't want known associates -- a
25 known associates can be a friend, a barber, something like

BERT POWELL - CROSS BY MR. EDGEWORTH

1 that. It doesn't have to be --

2 A. I know there were some other people that we, as a
3 team, spoke with, yes.

4 Q. Okay. But nothing that developed any sort of --
5 where law enforcement resources were utilized towards that
6 person or entity?

7 A. Just followups with a couple of people.

8 Q. Okay.

9 MR. VOIGT: One moment, Your Honor.

10 THE COURT: Yes, sir.

11 MR. VOIGT: That's all I have for this witness,
12 Your Honor.

13 THE COURT: Thank you. Mr Edgeworth.

14 MR. EDGEWORTH: Thank you, Your Honor. May it
15 please the Court?

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. EDGEWORTH:

19 Q. I want to point your attention back to the
20 beginning of this matter on or about March 9, 2017.

21 On that date, Leon Harrison Sr. came in to report
22 his son missing; isn't that true?

23 A. Yes, sir.

24 Q. And that's been established multiple times, right?

25 A. Correct.

BERT POWELL - CROSS BY MR. EDGEWORTH

1 Q. Okay. At that time, or on the same day, Ms. 77
2 Brittani Green, who had children with Leon Harrison Jr.,
3 came in and also reported that he had been missing?

4 A. Correct.

5 Q. On March 9, 2017?

6 A. Correct.

7 Q. Then on March 10th, Rosario Grate, the girlfriend
8 of Mr. Harrison, also reported that he was missing?

9 A. Correct.

10 Q. Now, as part of your investigation you learned
11 that the last time anyone saw Mr. Harrison was on or about
12 the night of February 25, 2017?

13 A. Correct.

14 Q. So the date of first report would have been how
15 many days?

16 A. The --

17 Q. The first time he would have been reported missing
18 would have been how many days?

19 A. The first time he was reported missing was on the
20 9th.

21 Q. Okay. Well, let's just count it out.

22 So we have the 26th of February, the 27th, the
23 28th, would not have been a leap year. So then we have the
24 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th.

25 A. So 12 days.

BERT POWELL - CROSS BY MR. EDGEWORTH

1 Q. Twelve days.

2 A. Correct.

3 Q. So in 12 days, the family who indicated that they
4 had -- they'd hear from him on a regular basis, to include
5 the dad who said that he stayed with him often, did not
6 report him for a period of 12 days -- missing for 12 days,
7 correct?

8 A. Correct.

9 Q. Ms. Green, who said that Mr. Harrison contacted
10 her children often, did not report Mr. Harrison missing for
11 a period of 12 days.

12 A. Correct.

13 Q. Ms. Grate, who purportedly had a conversation with
14 Mr. Harrison, in fact, dropped him off earlier in the day,
15 right?

16 A. Uh-huh.

17 Q. Okay. So she saw him on the 25th. And it's been
18 testified to that she was the girlfriend?

19 A. Correct.

20 Q. Okay. She didn't report him until the 10th which
21 would have been 13 days, correct?

22 A. Correct.

23 Q. Now, on March 9th when you spoke to Mr. Harrison,
24 he indicated that -- that Mr. Harrison had a sister,
25 Ms. Sandra Johnson.

BERT POWELL - CROSS BY MR. EDGEWORTH

1 A. Correct.

2 Q. And, in fact, she worked at the detention center.

3 A. Correct.

4 Q. She was a member of law enforcement?

5 A. She's a -- I think she's a booking officer, or
6 jailer -- corrections officer.

7 Q. Okay. But she's in the law enforcement community?

8 A. Correct.

9 Q. And as a part of your investigation, you reached
10 out to her, right?

11 A. Yes.

12 Q. Okay. And she mentioned to you that she hadn't
13 seen him either.

14 A. Correct.

15 Q. But she didn't report it to you.

16 A. Right.

17 Q. Okay. So his own sister didn't even report him
18 missing.

19 A. Correct.

20 MS. RICHARDSON: Your Honor, if we could clarify,
21 whose own sister?

22 MR. EDGEWORTH: Sandra Johnson. Mr. Harrison --

23 THE COURT: Hold on.

24 MR. EDGEWORTH: My apologies.

25 THE COURT: I didn't hear you, I'm sorry.

BERT POWELL - CROSS BY MR. EDGEWORTH

1 All right. I'll sustain it. Could you -- whose
2 sister, sir?

3 MR. EDGEWORTH: Excuse me.

4 BY MR. EDGEWORTH:

5 Q. Is it your understanding that Sandra Johnson is
6 Leroy (sic) Harrison Jr.'s sister?

7 A. I think it's Mr. -- I think it's Sr.'s sister.

8 Q. My apologies. Leon Harrison Sr.'s sister?

9 A. Yeah, I think that she would be Mr. Jr.'s aunt.

10 Q. A family member?

11 A. Correct.

12 Q. Okay. She did not report him missing, correct?

13 A. Correct.

14 Q. Okay. But you reached out to her?

15 A. Correct.

16 Q. Okay. So it's safe to say, then, that not only
17 his dad, but the children of his mother -- or excuse me, the
18 mother of his children, my apologies -- his girlfriend, and
19 then his aunt, and his dad, did not report him for at least
20 a period of 12 days?

21 A. That would be correct.

22 Q. Okay. So, is it fair to say, then, and I
23 apologize -- strike that.

24 On March 9, 2017 when you spoke to Ms. Rhue about
25 it and she indicated that the last time she saw him was

BERT POWELL - CROSS BY MR. EDGEWORTH

1 February 25, 2017. Would that be consistent with all of the
2 other complaints or notifications that he was missing from
3 all the other family members and relatives?

4 A. Yeah, she said she hadn't seen him since the 25th.

5 Q. And they had not reported it for over that period
6 of time?

7 A. Correct. I think that they were all like, the
8 23rd or the 24th was the last time they saw him.

9 Q. So they hadn't seen him in a longer period of
10 time?

11 A. Yeah, it was like the 23rd or 24th, around some
12 birthday party they had is when some of those people saw
13 him. And I think Ms. Rhue said the last time she saw him
14 was on the 25th.

15 Q. Now, you interviewed Ms. Rhue?

16 A. Yes, sir.

17 Q. On multiple occasions?

18 A. Correct.

19 Q. And she, in fact, told you that she had not seen
20 him since that night?

21 A. Correct.

22 Q. And you had previously talked to Ms. Grate who
23 said that she had dropped him off early in the day?

24 A. Correct.

25 Q. Okay. Now, she also told you that, after the

BERT POWELL - REDIRECT BY MS. RICHARDSON

1 argument, that he had walked off in some odd direction?

2 A. Correct.

3 Q. Unknown direction?

4 A. Correct.

5 Q. Do you have any knowledge that Mr. Harrison had
6 access to an automobile?

7 A. She said he left walking. So I don't know if he
8 did or not. I know that he had wrecked one of her vehicles
9 and that's why we were going to meet her to pick her up to
10 take her to the police department for the interviews.

11 Q. And if he didn't have a car then the way for him
12 to leave would be to walk off?

13 A. Correct. Unless somebody drove to pick him up.

14 Q. Unless someone picked him up.

15 In the course of your investigation, did you learn
16 about someone having picked him up?

17 A. On that night, no.

18 MR. EDGEWORTH: I have no further questions for
19 this witness.

20 THE COURT: All right. Any redirect?

21 MS. RICHARDSON: Just on one point.

22 REDIRECT EXAMINATION

23 BY MS. RICHARDSON:

24 Q. Was it typical at that time for multiple
25 investigators to be involved on any case of this nature?

BERT POWELL - REDIRECT BY MS. RICHARDSON

1 A. Typically, it was. I mean, usually we -- patrol
2 -- typically patrol would do the missing person reports.
3 For whatever reason, patrol was busy that day, I happened to
4 be in the office, that's why I got the case. That's why I
5 took the initial report.

6 Q. But any major investigation that the investigative
7 decision does -- division does, did y'all assist each other?

8 A. Yes, ma'am. Any major investigation, yes.
9 Typically, we will have multiple people on that.

10 Q. And early on, like within -- when you started
11 interviewing Mr. Harrison Sr., you talked to the mother of
12 the children, you talked to Ms. Grate, were there concerns
13 regarding foul play?

14 A. Yes.

15 MS. RICHARDSON: No further questions.

16 THE COURT: All right. Any redirect limited to
17 the cross? Or any re-cross limited to the redirect?

18 MR. HAZZARD: I do not have any questions
19 regarding what the Prosecutor just asked. I'm asking the
20 Court's guidance, do I get to ask a question regarding
21 something Mr. Voigt asked? Because I didn't get -- since I
22 went first I don't get that opportunity. I have one
23 question and one question only. But if the Court finds that
24 that is inappropriate, then that is fine.

25 THE COURT: I'm going to find that's

BERT POWELL - RECROSS BY MR. VOIGT

1 inappropriate.

2 MR. HAZZARD: Yes, sir.

3 THE COURT: Anything limited to her questions as
4 it relates to her redirect, Mr. Voigt?

5 MR. VOIGT: Yes.

6 THE COURT: Okay.

7 MR. VOIGT: I'll stay back here just to show you
8 how limited it is.

9 RECROSS-EXAMINATION

10 BY MR. VOIGT:

11 Q. Was this case considered a major case on March
12 9th?

13 A. Initially, no.

14 THE COURT: Anything?

15 MR. EDGEWORTH: No further questions, Your Honor.

16 THE COURT: All right. Great. Thank you.

17 All right. You can step down, sir. Thank you.

18 MS. RICHARDSON: Your Honor, I would ask that
19 Mr. Powell be excused from his subpoena. He has some very
20 big plans at the end of the week.

21 THE COURT: Good. Well, I wish you well with your
22 big plans, sir. All right. Congratulations.

23 THE WITNESS: Thank you.

24 THE COURT: All right. You can be excused. Thank
25 you.

ROSARIO GRATE - DIRECT BY MS. SMITH

1 Solicitor, approach, Counsel.

2 (WHEREUPON, a bench conference was had.)

3 MS. SMITH: Your Honor, the State calls Rosario
4 Grate.

5 THE COURT: All right.

6 MS. SMITH: Ms. Rosario -- Ms. Grate, if you'll
7 proceed and answer the Clerk.

8 ROSARIO GRATE, having been duly sworn,
9 testified as follows:

10 THE COURT: Okay. Ms. Grate, would you please
11 remove your mask for the Purposes of your testimony?

12 THE WITNESS: Yes.

13 THE COURT: And the other thing that I would ask
14 before you state your name, if you would -- you gotta get
15 real close to that microphone for it to pick up. And when I
16 say real close, I literally mean just a few inches away.
17 Okay?

18 THE WITNESS: Uh-huh.

19 THE COURT: Thank you so much.

20 Go ahead and state your name, ma'am.

21 THE WITNESS: Rosario Grate.

22 DIRECT EXAMINATION

23 BY MS. SMITH:

24 Q. Ms. Rosario, as I'm breaking this podium right
25 now, would you also spell your name just so it's correct in

ROSARIO GRATE - DIRECT BY MS. SMITH

1 the record, please, ma'am?

2 A. R-O-S-A-R-I-O, G-R-A-T-E.

3 Q. Ms. Grate, where are you from?

4 A. I was born in Delaware, but I was raised in
5 Plantersville, Georgetown, South Carolina.

6 Q. Okay. And what do you do?

7 A. I cook at the boys home, Broadstep.

8 Q. Do you have any kids?

9 A. Yes, ma'am. I have a son.

10 Q. How old is he?

11 A. Eight.

12 Q. And did you know the victim, Leon Harrison Jr.?

13 A. Yes, ma'am.

14 Q. How did you know him?

15 A. We were dating.

16 Q. Okay. And what did you call him?

17 A. J., JR, Leon if I was upset.

18 Q. Why would you call him Leon if you were upset?

19 A. He didn't like it.

20 Q. So what was your relationship like with JR?

21 A. We were happy. We were in love.

22 Q. How long were y'all together?

23 A. I met him January 6th of 2016.

24 Q. So how long would that have been?

25 A. That would be a year, a month, and maybe like

ROSARIO GRATE - DIRECT BY MS. SMITH

1 18 days.

2 Q. How do you know that date so well?

3 A. It's my son's birthday.

4 Q. So it just sticks out in your mind?

5 A. Uh-huh.

6 Q. Did JR ever stay with you?

7 A. Yes, ma'am.

8 Q. Where'd he stay?

9 A. When I first met him, I lived at 56 Green Acres
10 Drive and we moved to 33 Rainey Drive.

11 Q. All right. So you'd stay at your house?

12 A. Yes, ma'am.

13 Q. Did he ever keep items in your home?

14 A. Yes, ma'am.

15 Q. Okay. Did he ever keep anything like a toothbrush
16 in your home?

17 A. Yes, ma'am.

18 Q. Okay. Hold on one second. Let me get some gloves
19 real quick as well.

20 MS. SMITH: Beg the Court's indulgence.

21 THE COURT: Take your time.

22 MS. SMITH: Your Honor, I am approaching with what
23 has been marked as State's Exhibit 15.

24 THE COURT: All right.

25 BY MS. SMITH:

ROSARIO GRATE - DIRECT BY MS. SMITH

1 Q. Ms. Grate, I'm going to take this out and just
2 show it to you by the handle real quick.

3 Is this a toothbrush? Do you recognize this
4 toothbrush?

5 A. Yes, ma'am.

6 Q. Okay. And where's that toothbrush from?

7 A. My house.

8 Q. Okay. Who'd you give this toothbrush to?

9 A. I put it in a bag and I took it to JR's father's
10 house to give to the police as evidence.

11 Q. Okay. Now -- I'll take these off now.

12 The week before JR went missing, was he staying
13 with you that week?

14 A. Yes, ma'am.

15 Q. And did JR have any kids?

16 A. Yes, ma'am.

17 Q. And you have a son?

18 A. Yes, ma'am.

19 Q. Did they play together?

20 A. Yes, ma'am. A few times.

21 Q. Okay. Did y'all have anything like family time or
22 anything like that?

23 A. We were trying to make Sundays as our family days.

24 Q. Okay.

25 A. Because that was the only day that he would be

ROSARIO GRATE - DIRECT BY MS. SMITH

1 off. He worked Monday through Saturday.

2 Q. So did everybody get along?

3 A. (Witness nods.)

4 Q. Is that a Yes?

5 A. Ma'am?

6 Q. Is that a Yes?

7 A. Yes.

8 Q. Okay. Sorry. We have to have verbal
9 communication for the Court Reporter and I'm not trying to
10 be rude at all by -- by saying, Is that a Yes, I just want
11 to make the record clear, okay? Sorry.

12 A. Yes, ma'am.

13 Q. Did you ever drive JR to work?

14 A. Yes, ma'am.

15 Q. What about pick him up from work?

16 A. Yes, ma'am.

17 Q. Was that frequent?

18 A. Yes, ma'am.

19 Q. Do you know where he worked?

20 A. Yes, ma'am. He worked for a company called PCL.
21 They were redoing the bridge in Pee Dee, the Yauhannah
22 Bridge.

23 Q. Do you know how he got paid?

24 A. Yes, ma'am. It was like one of those prepaid
25 debit cards that a job would give you instead of giving you

ROSARIO GRATE - DIRECT BY MS. SMITH

1 a paper check.

2 Q. Okay. So it wasn't a direct deposit to a bank
3 account, it was a prepaid card?

4 A. Yes, ma'am.

5 Q. All right. Now, did you see JR on February 15th
6 of 2017?

7 A. On the 15th?

8 Q. I'm sorry, 25th. Yeah, 25th of 2017. I don't
9 know where that came from.

10 A. Yes, ma'am.

11 Q. Did you drive him from work that day?

12 A. Can you repeat that?

13 Q. Did you drive him home from work that day?

14 A. Yes, ma'am.

15 Q. And what did y'all do when y'all was driving home?

16 A. We stopped by the Dollar General on Choppe Road --
17 well, right there at the intersection of Choppe and 701,
18 picked up a few items there. We also stopped at the liquor
19 store by Domino's Pizza, right here in Georgetown, and then
20 we went to my house at 33 Rainey Drive.

21 Q. Did you take JR anywhere else that night?

22 A. Yes, ma'am. Later on that night I took him to his
23 dad's house.

24 Q. Did Tiesh know about you and JR and y'all's
25 relationship?

ROSARIO GRATE - DIRECT BY MS. SMITH

1 A. Yes, ma'am.

2 Q. And has she ever seen you out with JR?

3 A. Yes, ma'am.

4 Q. Okay. Tell us about that.

5 A. That was New Year's Eve of 2016. We were at the
6 Riverview Lounge.

7 Q. Okay. And did you talk JR often?

8 A. Ma'am?

9 Q. Did you talk to JR often?

10 A. Yes, ma'am.

11 Q. Did you see him often?

12 A. Yes, ma'am.

13 Q. How often did you see JR?

14 A. Almost every day.

15 Q. And when you talked to him, was it in person?

16 A. It could be, yes.

17 Q. What about by the phone?

18 A. Yes, ma'am.

19 Q. What about text message?

20 A. Yes, ma'am.

21 Q. Okay. And do you remember and your phone number
22 was in 2017?

23 A. Yes, ma'am.

24 Q. What was it?

25 A. (843)240-8658.

ROSARIO GRATE - DIRECT BY MS. SMITH

1 MS. SMITH: For the record, I'm showing the
2 Defense communications form Rosario to Leon.

3 May I approach the witness, Your Honor?

4 THE COURT: You may.

5 MS. SMITH: I'm showing the witness what has been
6 marked as State's Exhibit 31.

7 BY MS. SMITH:

8 Q. Ms. Grate, will you look through that and tell --
9 tell me what I'm showing you?

10 A. These are the conver -- text messages between me
11 and JR.

12 Q. Okay, and what's the -- what's the time frame of
13 those text messages?

14 A. The first one was on the 23rd of February. I
15 can't see the time on that one.

16 Q. Just the date range.

17 A. So it starts on the 23rd of February.

18 Q. Okay. And when does it end?

19 A. The 25th of February.

20 Q. Okay. And are these a copy of your text messages
21 between you and Leon Harrison Jr.?

22 A. Yes, ma'am.

23 Q. Okay. And how do know that that's -- those are
24 messages between you and JR?

25 A. I remember the conversation.

ROSARIO GRATE - DIRECT BY MS. SMITH

1 Q. You remember the conversation. And what was JR's
2 number back in 2017?

3 A. (843)240-1042.

4 Q. Have those texts been altered in any way since you
5 last saw him?

6 A. No, ma'am.

7 Q. Okay. On February 25th of 2017, were you and JR
8 in a good spot in your relationship?

9 A. Yes, ma'am.

10 Q. Did you tell him you loved him?

11 A. Yes, ma'am.

12 Q. Did he tell you he loved you?

13 A. Yes, ma'am.

14 Q. Did you get a text message from JR on February 25,
15 2017 that seemed odd?

16 A. Can you repeat that?

17 Q. Did you get a text message from JR on February
18 25th of 2017 that seemed odd?

19 A. Yes, ma'am.

20 Q. Okay what was that?

21 A. The very last text message that I received from
22 him that night.

23 Q. Okay. And what time was that text message?

24 A. That would be at 10:55.

25 Q. Okay.

ROSARIO GRATE - DIRECT BY MS. SMITH

1 MS. SMITH: Your Honor, at this time, the State
2 seeks to introduce these text messages into evidence.

3 THE COURT: All right. Mr. Hazzard?

4 MR. HAZZARD: I have no objection.

5 THE COURT: All right. Mr. Voigt?

6 MR. VOIGT: I have no objection, Your Honor.

7 THE COURT: Mr. Edgeworth?

8 MR. EDGEWORTH: No objection, Your Honor.

9 THE COURT: All right. Thank you. Admitted
10 without objection.

11 (WHEREUPON, State's Exhibit Number 31 was moved
12 into evidence.)

13 BY MS. SMITH:

14 Q. Can you talk to us about your communications that
15 day? I mean, were they happy communications?

16 A. Yes, ma'am.

17 Q. Okay. Kind of what were y'all talking about?

18 A. Talking about him getting off of work, we were
19 both ready to see each other. What I was gonna cook for
20 dinner. Then later on, after I dropped him off, it was
21 about me going out and whether I had his permission to go
22 out or not.

23 Q. Did you need his permission to go out?

24 A. I felt like I did.

25 Q. Okay. So did you go out?

ROSARIO GRATE - DIRECT BY MS. SMITH

1 A. Yes, I did.

2 Q. Okay. And did you talk on the phone with him that
3 day, that --

4 A. Yes, ma'am.

5 Q. -- that evening?

6 A. Yes, ma'am.

7 Q. And were there any calls from Leon's phone to you
8 around 10:00 p.m. that evening?

9 A. Yes, ma'am.

10 Q. Okay. And can you tell me about those phone
11 calls?

12 A. It wasn't him.

13 Q. Who was it?

14 A. Tiesh.

15 Q. Can you tell the jury what happened?

16 A. The initial when I -- when she first called on his
17 phone, I really can't remember what was said between the
18 two, but I know there was words exchanged. I hung up the
19 phone. I continued doing what I was doing.

20 She called back a couple -- well, I received a few
21 phone calls, multiple calls from his phone. I didn't answer
22 because I assumed it was her.

23 A little bit of time went on and I received
24 another phone call from his phone. I picked up and she was
25 like, Your little bitch, answered the phone, why don't you

ROSARIO GRATE - DIRECT BY MS. SMITH

1 talk to her? Couple other words were exchanged. He never
2 said anything. I hung up the phone.

3 Q. Okay. Did you receive any more phone calls that
4 night?

5 A. Yes, ma'am, but I was out of service area, so I
6 didn't know that I received phone calls until after I got
7 service.

8 Q. Did you have any voice mails that evening?

9 A. Yes, ma'am.

10 Q. And who were those voice mails from?

11 A. Tiesh.

12 Q. Okay. And off of who's phone were they from?

13 A. JR's.

14 MS. SMITH: Your Honor, State's 32. Approaching
15 the witness.

16 THE COURT: All right.

17 BY MS. SMITH:

18 Q. Ms. Grate, what is this?

19 A. CD with voice mails on there.

20 Q. Okay. And did you listen to it?

21 A. Yes, ma'am.

22 Q. Okay. Are those the voice mails from that night?

23 A. Yes, ma'am.

24 Q. Okay. Is that your signature on it?

25 A. Yes, ma'am.

ROSARIO GRATE - DIRECT BY MS. SMITH

1 MS. SMITH: Your Honor, the State seeks to admit
2 State's 32 into evidence, publish to the Jury.

3 THE COURT: Mr. Hazzard?

4 MR. HAZZARD: No objection.

5 THE COURT: Mr. Voigt?

6 MR. VOIGT: No, objection, Your Honor.

7 THE COURT: Mr. Edgeworth?

8 MR. EDGEWORTH: No objection, Your Honor.

9 THE COURT: Admitted without objection. Please
10 feel free to publish.

11 (WHEREUPON, State's Exhibit Number 32 was moved
12 into evidence and published for the jury.)

13 BY MS. SMITH:

14 Q. Are those the voice mails?

15 A. Yes, ma'am.

16 Q. Okay. Now when you talked to her, y'all -- you
17 said, I believe, you exchanged some words.

18 What does that mean?

19 A. She was calling me out by name, you know, saying
20 how she felt, whatever the case may be and I told her what
21 was on my mind. I can't recall exactly what was said when
22 we did speak.

23 Q. During the time that you were dating JR, did you
24 know -- did you know in the beginning that he had a wife?

25 A. No, ma'am.

ROSARIO GRATE - DIRECT BY MS. SMITH

1 Q. Did you later find out?

2 A. Yes, ma'am.

3 Q. Okay. What was your reaction when you found out?

4 A. I was upset. We stopped talking for a while and
5 then he reached back out to me and explained the situation.
6 By the time he had reached out and explained the situation,
7 I had already seen some things for myself, so I continued
8 the relationship.

9 Q. Okay. Did you know that he was still talking to
10 Tiesh?

11 A. I'm quite sure, yeah, he was.

12 Q. Okay. And y'all talked often, but did he stay the
13 night at your house every night?

14 A. No, ma'am, not every night.

15 Q. Okay. So I'm going to ask you a very
16 uncomfortable question. Did you and JR ever get a sexually
17 transmitted infection?

18 A. Yes, ma'am.

19 Q. And at that point in time was JR still going back
20 and forth to Tiesh?

21 A. I believe he was.

22 Q. Okay. When JR went missing, did you look for him?

23 A. Yes.

24 Q. Did you call around?

25 A. Yes.

ROSARIO GRATE - DIRECT BY MS. SMITH

1 Q. What about calling his phone?

2 A. Yes.

3 Q. Did you call his dad?

4 A. Yes.

5 Q. Did you call his brother?

6 A. Yes.

7 Q. Did you call friends?

8 A. Yes.

9 Q. What about family members?

10 A. Yes.

11 Q. Were you looking for JR?

12 A. Yes.

13 Q. Did you ever get an answer from JR again ---

14 A. No, ma'am.

15 Q. After February 25, 2017?

16 A. No, ma'am.

17 Q. Okay. When you went out with your friends that
18 night, was JR supposed to meet you out?

19 A. He said he would.

20 Q. Did he meet you out?

21 A. No.

22 MS. SMITH: Beg the Court's indulgence one second.

23 THE COURT: Yes, no problem.

24 BY MS. SMITH:

25 Q. Ms. Grate, on New Year's Eve when you were out

ROSARIO GRATE - CROSS BY MR. HAZZARD

1 with JR, who did Tiesh come into the club with?

2 A. Her brother.

3 Q. Her brother is?

4 A. Alex.

5 Q. Alex Jr.?

6 A. Yes, ma'am.

7 Q. And were any words exchanged?

8 A. Yes, ma'am.

9 Q. Okay. Who were those words between?

10 A. Between Tiesh, Alex, and JR.

11 Q. Were you involved in that?

12 A. No, ma'am.

13 MS. SMITH: Your Honor, at this point in time I
14 have no further questions.

15 THE COURT: All right. Thank you, Solicitor.

16 Mr. Hazzard, do you have any questions, sir?

17 MR. HAZZARD: Yes, sir, Your Honor. Very, very,
18 very, quickly.

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. HAZZARD:

22 Q. Good afternoon, ma'am. I think the Prosecutor
23 just asked you about a New Year's Eve verbal altercation; is
24 that correct?

25 A. Yes, sir.

ROSARIO GRATE - CROSS BY MR. HAZZARD

1 Q. And you said it was at the club?

2 A. Yes, sir.

3 Q. And that was the Riverview Club, correct?

4 A. Yes, sir.

5 Q. Thank you, ma'am. No further questions.

6 THE COURT: Mr. Voigt, do you have any questions,
7 sir?

8 MR. VOIGT: I do not.

9 THE COURT: Mr. Edgeworth, do you have any
10 questions, sir?

11 MR. EDGEWORTH: No, Your Honor.

12 THE COURT: All right. Anything further,
13 Solicitor? Anything else?

14 MS. SMITH: No, Your Honor. This -- may this
15 witness be excused?

16 THE COURT: Absolutely. Thank you for your
17 appearance today here in court. You are released from the
18 subpoena. Thank you very much.

19 All right. Ladies and gentlemen, I think we have
20 reached a good stopping point. I appreciate the attention
21 that you have given this case today. And again, I keep
22 saying it, but it's so true, important case to the State,
23 important case to these Defendants.

24 I would like to start back at nine o'clock
25 tomorrow morning. If anybody approaches you about this, you

1 let them know that you cannot talk to them. If they proceed
2 to bother you, you let me know about it.

3 No media. No research. No looking on the
4 internet concerning this matter. Of course, again, don't
5 talk amongst yourselves or with anybody else about this
6 matter.

7 I thank you and I'll see you back here in the jury
8 room. We appreciate your being back at nine o'clock
9 tomorrow morning. Thank you folks. Have a great evening.

10 (WHEREUPON, the Jury exited the courtroom at 5:28
11 p.m.)

12 THE COURT: All right. Solicitor, are we going to
13 be ready to go tomorrow morning?

14 MS. RICHARDSON: Yes, Your Honor, we are. There's
15 another matter I would like to bring to the Court's
16 attention, but I would prefer to do it with just the
17 attorneys.

18 THE COURT: All right. Y'all want to approach?

19 MS. RICHARDSON: Yes, Your Honor.

20 (WHEREUPON, the following discussion was held at
21 the bench.)

22 THE COURT: Yes, ma'am.

23 MS. RICHARDSON: We've just been made aware of
24 some social media postings that I think maybe from -- they
25 appear to be from the mother of Mr. Rhue Jr.'s child about

1 the court proceedings.

2 THE COURT: Who is that?

3 MS. RICHARDSON: Catessa Tucker. And also talks
4 about jury tampering. I don't know what media this is. If
5 it's posting from ---

6 MS. SMITH: I believe that's Face -- I mean, it
7 looks like Facebook to me. I just had them screen shot.

8 THE COURT: What are they saying here?

9 MS. RICHARDSON: It just says, Okay cuz, jury
10 tampering.

11 MR. HAZZARD: I thought they're talking Kristina
12 Grate.

13 MS. RICHARDSON: And this is a ---

14 MS. SMITH: Sorry, it's a poor screen shot, I
15 apologize. Trying to get it done quick.

16 THE COURT: Are they saying that there's something
17 else going on or just bringing it to my attention?

18 MS. RICHARDSON: It gives the impression that
19 information about the court proceedings is being put on
20 social media, like the hearings on sort of looks to me like
21 hearings on jury tampering, lying to the judge and got
22 caught.

23 That lawyer has roasted your fat ass on that stand
24 today and caught you in two different lies. That's also my
25 lawyer.

1 MS. SMITH: That's apparently -- and this is
2 coming from -- it's coming from somebody else. I am not
3 swearing my name to it or anything of that nature. Let me
4 be one hundred percent clear. I do not know if this is true
5 or not.

6 Apparently, this post is about Brittani and that
7 is -- that is.

8 MR. HAZZARD: Well, who sent it to you?

9 MS. SMITH: Huh?

10 MR. HAZZARD: Who sent it to you?

11 MR. EDGEWORTH: Yeah.

12 MS. SMITH: Leon.

13 MR. HAZZARD: Who?

14 MS. RICHARDSON: Leon Thomas.

15 MR. HAZZARD: Oh.

16 MS. RICHARDSON: My concern is I don't know where
17 it's coming from based on Your Honor asking people not to
18 talk about proceedings.

19 THE COURT: I mean, once people are released I
20 don't know that I can tell people not to exercise their
21 rights as it relates to -- I mean, it's not the media that
22 is coming here and doing this, but I see -- I'm not hearing
23 that -- I'm not hearing that anyone's trying to communicate
24 with any of our jurors.

25 And if they were, then I would bring the jurors in

1 individually and certainly question those jurors. But at
2 this point, I appreciate you bringing that to my attention.

3 Is there something that you want me to do?

4 MS. RICHARDSON: Well, Ms. Tucker is on our
5 witness list. You know, she's obviously with the Rhue
6 family, but we put her on our witness list because she had
7 been interviewed about several things in case those issues
8 came up. She initially had given like an alibi and then
9 that changed, that's why we had her on our witness list.

10 But that's what my concern is that somebody's
11 communicating to her information also that is going on in
12 the courtroom.

13 THE COURT: Okay. So your concern is that some of
14 the, I guess, sequestered witnesses may be in contact? Is
15 that what you're telling me?

16 MS. RICHARDSON: Well, in that regard is -- yes,
17 Your Honor. I don't know. I feel like somebody is --

18 THE COURT: And what would you suggest I do?

19 MS. RICHARDSON: Admonish the parties, in
20 particular, it appears to be the Rhue family not to be
21 having -- not to communicate with anybody who's sequestered
22 or to cause --

23 MR. HAZZARD: I guess one of the issues is, how
24 would somebody know if somebody is -- I mean, all of these
25 people are very close. And to hear half of them tell it,

1 they're related in some form or fashion that I -- like
2 fashion that I can't even imagine.

3 So if you're just talking in general, how do you
4 even know that somebody's sequestered? I mean, I'm not
5 playing devil's advocate, I'm not trying to be difficult. I
6 legitimately do not know. My family has never been that
7 big. I don't even know how these people talk to anyone
8 without talking somebody in their family.

9 MS. RICHARDSON: I just -- I just thought that it
10 was important to bring that to the Court's attention.

11 MS. SMITH: Jury tampering.

12 MS. RICHARDSON: I mean, just that being alleged.

13 MR. VOIGT: And they all seem to be on the State's
14 witness list. It seems to be a State-confined problem.

15 MR. HAZZARD: Well, considering the fact we don't
16 have a witness list.

17 MS. RICHARDSON: As it's your client's baby momma.

18 THE COURT: I don't think that it's -- I think
19 with the people who are on the State's witness list, that
20 whether they give it or not, who knows?

21 But what I would say is, I think everyone ought to
22 go and to make certain that folks are not communicating
23 directly or indirectly or through third parties or through
24 social media with anyone who is a potential witness in this
25 matter.

1 So I think that each individual, each side, State
2 and the Defense, they need to make ceratin that their
3 witnesses, their clients, are aware that they are not to be
4 communicating. And so I direct this, not to your client,
5 Mr. Hazzard. Not to your client. Not to your client. Not
6 to your witnesses.

7 But y'all need to make certain that they
8 understand that they're not to be communicating with anybody
9 about this directly or indirectly, particularly the people
10 who are sequestered and who have to testify. And they need
11 to understand that that includes broadcasting things on
12 social media or allowing third parties to broadcast things
13 on social media.

14 Because if the matter comes back before me and we
15 find out that there has been some type of improper
16 communication -- whether that's threatening or whether
17 that's just providing information to a family member -- that
18 that will be dealt with in the most severe fashion.

19 MR. HAZZARD: Yes, sir.

20 MS. RICHARDSON: Thank you, Your Honor.

21 THE COURT: Is that adequate, Solicitor?

22 MS. RICHARDSON: That's -- that's -- we were just
23 bringing it to everyone's attention. I don't know how --

24 MS. SMITH: Yeah, because it came to my attention.

25 THE COURT: I appreciate that. I will deal with

1 that. This case is too important and too -- if something
2 like that happened, I will deal with that harshly. All
3 right?

4 MS. RICHARDSON: Thank you.

5 THE COURT: Thank you. I appreciate everyone
6 communicating that to the witnesses and to the parties.

7 (WHEREUPON, the bench conference ended.)

8 THE COURT: All right. Solicitor, thank you for
9 bringing that to my attention.

10 The jurors have a question?

11 All right. I'm informed that the jurors have a
12 question.

13 THE CLERK: I think that it's one for in the
14 morning.

15 THE COURT: I'm sorry?

16 THE CLERK: I think they're going to write it down
17 for in the morning. Or if you just it because they're going
18 to ask it in the morning.

19 THE COURT: All right. All right. Mr. Hazzard.

20 MR. HAZZARD: Yes, sir.

21 THE COURT: All right. I've just been informed
22 that the jury may have a question, but perhaps they're
23 writing it down to --

24 MR. HAZZARD: Are they still in there?

25 THE COURT: That's -- that's --

1 THE CLERK: Just knock on the door.

2 THE COURT: Hold on. Let's get the Bailiff out
3 here.

4 THE CLERK: Just to see if they're in there. No,
5 they're gone.

6 THE COURT: Apparently the jury is gone. I don't
7 know. Apparently, it was relayed to me that the jurors may
8 have been writing a question. I didn't know if they had a
9 question for this evening to get to us or if it was a
10 question that they're gonna address in the morning. I don't
11 -- I don't know.

12 But apparently they are now gone. So I'm going to
13 assume that whatever it is, if anything, will be taken up in
14 the morning.

15 MR. HAZZARD: Many judges make arrangements for
16 breakfast, biscuits and bagels. That might be the issue.

17 THE COURT: Well, I will -- in the morning --

18 THE CLERK: They have a question in the morning.

19 THE COURT: All right. They have a question in
20 the morning. All right. So whatever that is, apparently
21 it's going to be addressed in the morning. All right?

22 So we're going start at, hopefully start at 9:00.
23 So are there evidentiary matters that are going to need to
24 take up time tomorrow or are we gonna be able to go right on
25 in to some testimony?

1 MS. RICHARDSON: I think we should be ready to go
2 into some testimony. We did send -- we did send some
3 proposed photos from the body recovery. I think we sent a
4 folder of those last night.

5 THE COURT: After Mr. Hazzard went to bed?

6 MS. RICHARDSON: Yeah, everybody else was
7 sleeping.

8 THE COURT: So they'll have an opportunity -- they
9 should have that and be able to look at that?

10 MS. RICHARDSON: They should have that. We -- we
11 just assumed that there would be some objections to showing
12 all of the body photo -- body recovery photographs when we
13 do have the entire CD of them. But --

14 MR. EDGEWORTH: But the emails are the ones you've
15 pared-down?

16 MS. RICHARDSON: Yes.

17 THE COURT: All right. So if y'all can --

18 MR. HAZZARD: So those are the ones you want, are
19 the ones you sent?

20 MS. RICHARDSON: Right.

21 MR. HAZZARD: Okay.

22 THE COURT: All right. You're also gonna get a
23 copy of the jury instructions and the verdict form. One of
24 the reasons I need you to look at that is cause somebody --
25 everybody can be replaced, you understand that, but someone

1 is wanting to leave early on Friday.

2 And so you noticed I don't have a computer in
3 front of me. Okay? So I need y'all to take a look at those
4 and we'll talk about that sometime tomorrow or Friday. But
5 I need you to look at those and we need to have your ideas
6 as it relates to that for potential charges and/or a verdict
7 form. We need to have that sometime tomorrow or early
8 Friday so we can work on those.

9 And that sounds good. I'll see everybody in here
10 at 10 till 9:00 tomorrow.

11 MR. HAZZARD: Might I just say --

12 THE COURT: Yes, sir.

13 MR. HAZZARD: -- a word of advice to the clerk,
14 that might affect your letter of recommendation, young lady.

15 THE COURT: I'd hate to tell, Mr. Hazzard, it will
16 not. She has been absolutely fabulous.

17 All right. Thank you.

18 (WHEREUPON, the trial adjourned for the day at
19 5:41 p.m.)

20 OCTOBER 14, 2021

21 (WHEREUPON, the proceedings resumed at 9:00 a.m.)

22 THE BAILIFF: All rise.

23 THE COURT: All right. Thank you, you can be
24 seated. Good morning. Solicitor, is there anything we need
25 to take up before we see about getting the jury in here from

1 the State?

2 MS. RICHARDSON: Your Honor, the flash drive that
3 the State entered into evidence malfunctioned, and I do have
4 a -- I think it's just some glitch with the flash drive, I
5 do have one I'd like to substitute.

6 THE COURT: All right. Any objection from the
7 Defense?

8 MS. RICHARDSON: This is the one where it wouldn't
9 read it.

10 MR. HAZZARD: I mean, I don't know how we can do
11 that without going through it.

12 MS. RICHARDSON: And let me just explain the
13 State's purpose for that, Your Honor. Is we do have it on
14 CD in evidence, but when we play the CD it seems to kind of
15 drag and take longer to go between the pictures, it's just
16 for quickness. If they have no objection to me using the
17 folder of photos that I've provided, that will be fine.
18 It's just that the CD takes so long to load.

19 THE COURT: Is this concerning the photographs of
20 the body? Or what is this about?

21 MS. RICHARDSON: It's the crime scene -- I mean
22 the house photos.

23 THE COURT: All right.

24 MS. RICHARDSON: One of my witnesses will be
25 testifying about today.

1 THE COURT: Well, apparently he says that he needs
2 to look at it.

3 MS. RICHARDSON: Okay.

4 THE COURT: And I don't -- I don't -- you know.

5 MR. HAZZARD: I mean, Your Honor, there is a disk
6 in evidence that has been reviewed and we know there are no
7 issues with that. If it is just a matter of it takes a
8 little while longer to load, I would say that is neither
9 here nor there. But to say, Okay, I want to literally swap
10 out a piece of evidence, that is a great deal of concern, if
11 we haven't reviewed it.

12 MS. RICHARDSON: Okay. That's fine.

13 THE COURT: So.

14 MS. RICHARDSON: It's just the medium, it's just
15 that the flash drive failed.

16 THE COURT: I understand, Solicitor. You can use
17 what's in evidence and we you know -- we're going to use
18 what's in evidence, and if it doesn't load in time, and it
19 wastes too much of the Court's time, then we're just not
20 going to use it.

21 We've got to move forward, and there's just been
22 one delay after another and nothing intentional. But we've
23 got to move this case forward. And I can't sit here and
24 keep this jury waiting. And I think his request to look at
25 something is reasonable.

1 So we're going to use what's in evidence,
2 hopefully it's going to load, hopefully it's going to be
3 able to allow you to look at whatever you need to look at.
4 And if it doesn't, then we're going to move forward, because
5 we're not going to -- we can't spend any more time on
6 glitches and things of this nature. And they're not your
7 fault, I understand that, but it's just we've got to move
8 on.

9 Is there anything else from the State -- excuse
10 me, from the Defense before we bring the jury in?

11 MR. HAZZARD: Yes, sir, Your Honor.

12 THE COURT: Yes, sir.

13 MR. HAZZARD: I want to make sure, and I'm not
14 sure if this has been done yet, but as the Court knows,
15 obviously, prior to the start of this trial, we had a
16 virtual motion hearing. And a lot of that motion hearing
17 was with regard to Mr. Voigt's motion to suppress the search
18 warrants. And to my understanding, both I and
19 Mr. Edgeworth, joined in on that motion.

20 The Court ruled on the motion and did a written
21 order with regard to its ruling. Subsequent to that, at the
22 start of the trial, it is my understanding the Court renewed
23 that order. And so, for the course of the trial, at least
24 up to this point -- like I said, you can always change your
25 mind -- but that's been my understanding.

1 THE COURT: Yes.

2 MR. HAZZARD: And so for the course of this trial
3 what we've been saying on the record is, "Subject to
4 previous objection." And I just want to make sure that the
5 record is clear as to what the previous objection was. So I
6 am asking, simply, that a copy of Mr. Voigt's written motion
7 to exclude is made a Court's Exhibit along with a copy of
8 the Court's order. That way, it's clear as to what we've
9 been talking about with regard to "Subject to previous
10 objection," it's clear that there was a motion hearing, it's
11 clear what the Court's ruling was and has continued to be.

12 THE COURT: Well, it's funny you bring that up. I
13 was talking to my clerk about that yesterday the "Subject to
14 previous objection."

15 MR. HAZZARD: Yes, sir.

16 THE COURT: So your point is "Subject to previous
17 objection," is the Court's ruling as it relates to the first
18 and the second search warrants and the exclusion, but the
19 granting of the third, which cured everything and then
20 basically allowed to enable discovery and so forth.

21 That's what you're wanting to affirm your
22 objection is?

23 MR. HAZZARD: Yes, sir. Well, I want to affirm
24 the objection on the record.

25 THE COURT: Yes, sir.

1 MR. HAZZARD: But I also want the record to be as
2 clear as possible.

3 THE COURT: I understand.

4 MR. HAZZARD: Which is why I would want a copy of
5 his written motion to exclude to be made a Court's Exhibit
6 for the record and the Court's Written Order to be a Court's
7 Exhibit for the record.

8 THE COURT: All right. Mr. Voigt, you join in on
9 that?

10 MR. VOIGT: I do, Your Honor.

11 THE COURT: And Mr. Edgeworth?

12 MR. EDGEWORTH: Yes, Your Honor. I join in that.

13 THE COURT: Solicitor?

14 MS. RICHARDSON: And I agree, and I already put my
15 information in as an exhibit anyway.

16 THE COURT: That's absolutely fine. I think
17 that's appropriate and it's consistent with the ruling and
18 the Court and I believe everyone else's understanding.

19 Thank you. Hold on one second.

20 Anything else, sir?

21 MR. HAZZARD: No, sir.

22 THE COURT: Anything, Mr. Voigt?

23 MR. VOIGT: No, sir.

24 THE COURT: Anything Mr. Edgeworth?

25 MR. EDGEWORTH: No, Your Honor.

1 THE COURT: So are we ready to bring the jury in.

2 MR. HAZZARD: Yes, sir.

3 MS. RICHARDSON: Yes, Your Honor.

4 THE COURT: All right. We can bring the jury in.

5 MR. HAZZARD: Oh, yesterday you said they had a
6 written question.

7 THE COURT: Well, I don't know. Is the Bailiff
8 here?

9 THE CLERK: They are here.

10 THE COURT: Yes, sir. Is this a note from the
11 jury?

12 THE BAILIFF: It is. And good morning. How are
13 you doing?

14 THE COURT: I'm doing great. Good morning, sir.
15 All right. I received a note.

16 The note reads: Your Honor, two jurors asked me
17 to ask you what your feeling was if this trial will go into
18 next week, as they have doctors appointments, et cetera,
19 that they will need to reschedule. Thank you for your
20 time -- very courteous -- thank you for your time. Charles
21 Powell, Juror 182.

22 If you want to come up and read the note, I will
23 allow any of the lawyers to come read the note, otherwise
24 what I plan on doing is making this a Court's Exhibit.

25 Any objection to this being made a Court's

1 Exhibit?

2 MS. RICHARDSON: Not from the State, Your Honor.

3 THE COURT: Does the State need to read the note?

4 MS. RICHARDSON: No, Your Honor.

5 THE COURT: All right. Mr. Hazzard?

6 MR. HAZZARD: No, sir. Defense waives reading the
7 note.

8 THE COURT: All right.

9 MR. VOIGT: No, sir.

10 MR. EDGEWORTH: No objection, Your Honor.

11 THE COURT: All right. So we're going to make
12 this a Court's Exhibit.

13 COURT REPORTER: It's Number 4.

14 THE COURT: Number 4.

15 COURT REPORTER: Yes, Your Honor.

16 THE COURT: All right. Thank you Madam Court
17 Reporter.

18 (WHEREUPON, Court's Exhibit Number 4 was marked.)

19 THE COURT: You know, kind of, they hit on the
20 question that I was going to be thinking about later this
21 afternoon and not this morning, but I certainly understand,
22 you know, they have lives. The fortunate thing is, as I
23 read the note, it tends to indicate that there could be
24 appointments that could be rescheduled, as opposed to people
25 saying that can't be here. And so, to that extent, I find

1 that potentially encouraging as I try to read through the
2 tea leaves there.

3 Solicitor, what is -- what's your expectation as
4 it relates to this case and its anticipated length?

5 MS. RICHARDSON: Your Honor, I think it will end
6 up into next week. I think we will be calling witnesses all
7 day today and tomorrow. And I don't know if the Defense
8 plans on to call any or not, but I do think it will have to
9 go into next week.

10 THE COURT: Well, then I guess the next question
11 is, would you gentlemen concur? I'm not asking if you're
12 going to call witnesses, but based upon, you know the case
13 better than I, and having heard what the Solicitor said,
14 would you concur that this case would more than likely not
15 be in a position to be finished by tomorrow evening?

16 MR. HAZZARD: Not being privy to the witnesses the
17 State intends to put up, I cannot say one way or the other,
18 Your Honor.

19 THE COURT: Mr. Voigt?

20 MR. VOIGT: I'm always surprised at how long these
21 things take, Judge. And I have no way of knowing what the
22 State is going to do.

23 THE COURT: I understand that. Mr. Edgeworth, I'm
24 just asking, because I don't want to leave y'all out of any
25 discussion or an opportunity to voice your opinions, that's

1 all.

2 MR. HAZZARD: Thank you, Your Honor.

3 MR. EDGEWORTH: Yes, Your Honor. I mean,
4 obviously we don't know, but my suspicion is that it would.

5 THE COURT: All right. The next question is: If
6 it's going to continue, do we work Saturday or do we come
7 back on Monday? I guess what I really do is I ask the jury
8 what their preference is. From the State?

9 MS. RICHARDSON: Either way is fine with me, Your
10 Honor.

11 THE COURT: Mr. Hazzard?

12 MR. HAZZARD: I would prefer not to work on
13 Saturday.

14 MR. VOIGT: I hate to ruin everybody's party, but
15 I think we've had some issues with social media in this
16 case. I think we've had -- I think that this is a burden on
17 the jury. And to the extent that it's a burden on us, we
18 signed up for this, they didn't. I'd prefer to work on
19 Saturday, because I worry with the a non-sequestered jury,
20 and this wouldn't be a sequestered jury under normal
21 circumstances, that the pressures in this community to
22 influence jurors, to communicate improperly, the longer it
23 goes on, the more that can go wrong. And we're seeing it
24 almost everyday in this case. I'd prefer to shorten,
25 temporally, you know, just how much risk we're going to have

1 and I would prefer to do that on Saturday than Monday.

2 THE COURT: Yes, sir, Mr. Edgeworth?

3 MR. EDGEWORTH: Your Honor, my position on this is
4 really just personal based. My wife is going undergoing
5 orthopedic surgery on Friday, which, obviously, I will --

6 THE COURT: Tomorrow?

7 MR. EDGEWORTH: Yes, sir.

8 THE COURT: Yes, sir.

9 MR. EDGEWORTH: Which, obviously, we've made
10 family arrangements in that regard. But I would prefer to
11 be able to be with her over the weekend in her
12 convalescence.

13 THE COURT: I understand that.

14 MR. EDGEWORTH: Yes, sir.

15 THE COURT: And, Solicitor, what did you tell me?
16 I'm sorry, as to a preference concerning working on
17 Saturday?

18 MS. RICHARDSON: I said, I'll do whatever --
19 either way is fine with me, Your Honor.

20 THE COURT: My court staff? All right. What I
21 plan on doing is this, I'm going to draft a note, I'm going
22 to get y'all's approval on it to return to the jury and then
23 basically let them talk about it and then respond to that
24 note. All right? Is that okay with the State?

25 I'm going to have my clerk prepare the note, I'll

1 let you look at it. Is that okay, Mr. Hazzard?

2 MR. HAZZARD: Yes, sir.

3 THE COURT: Mr. Voigt?

4 MR. VOIGT: Yes, sir.

5 THE COURT: Mr. Edgeworth?

6 MR. EDGEWORTH: Yes, sir, that's fine.

7 THE COURT: Okay. Great thank you gentlemen and
8 ladies. All right. We'll be back in one second.

9 (WHEREUPON, there was a break held from 9:13 a.m.
10 until 9:23. a.m.)

11 THE BAILIFF: All rise.

12 THE COURT: All right. Please be seated.

13 I'm trying to word this, and what I've got is, my
14 clerk is going to read a proposal. And she is -- I want to
15 get input, and then we'll try to get it so she can write it
16 neatly to give to them. Go ahead, Monica.

17 LAW CLERK: The attorneys informed me that the
18 case is highly unlikely to go the jury by close of business
19 Friday. As a result it is anticipated that the case will
20 continue into the early part of next week. If the jury
21 desires, we can work on Saturday for all or part of the day
22 in hopes of completing the case Saturday. Or minimizing the
23 amount of time it will take to complete the case next week.

24 THE COURT: All right. From the State?

25 MS. RICHARDSON: The State agrees with the

1 statement.

2 THE COURT: Mr. Hazzard?

3 MR. HAZZARD: Well, I mean, it says, The attorneys
4 informed you. The State informed the Court of that.

5 THE COURT: I'll put I informed.

6 MR. HAZZARD: Sounds good.

7 MR. VOIGT: With that modification, no objection.

8 MR. EDGEWORTH: Yes, no objection with the
9 modification.

10 THE COURT: All right. Any objection to her
11 writing that out --

12 MR. HAZZARD: No, sir.

13 THE COURT: -- with that one modification and then
14 returning that to the jury from the State?

15 MS. RICHARDSON: None from the State, Your Honor.

16 THE COURT: Mr. Hazzard?

17 MR. HAZZARD: No, sir.

18 THE COURT: Mr. Voigt?

19 MR. VOIGT: No, sir.

20 THE COURT: Mr. Edgeworth?

21 MR. EDGEWORTH: No, sir.

22 THE COURT: All right. Thank you.

23 How about if I also write out, We await your
24 response?

25 MR. HAZZARD: That's probably a good idea.

1 THE COURT: Is that all right from the State we
2 add, We await their response? In other words, I want them
3 to go ahead and let us know what they want to do.

4 MS. RICHARDSON: Yes, Your Honor.

5 THE COURT: Is that all right, Mr. Voigt?

6 MR. VOIGT: Yes, sir.

7 THE COURT: Mr. Edgeworth?

8 MR. EDGEWORTH: Yes, sir.

9 THE COURT: All right, guys. Thank you.

10 MR. HAZZARD: Also, Your Honor, purely
11 housekeeping, your clerk had sent us the proposed jury
12 charge and we were supposed to go over it. Do you want
13 to -- we can address that now, if you wish, or, obviously,
14 we can do it at a later time.

15 THE COURT: I think we'll do it probably later.
16 Let's find out what these guys want to do and get them
17 working this morning. And then maybe sometime this
18 afternoon or sometime tomorrow morning knock that out.

19 Is that all right, sir?

20 MR. HAZZARD: Yes, sir.

21 THE COURT: All right. Is that all right with the
22 State as it relates to the jury charges and the verdict
23 form?

24 MS. RICHARDSON: Yes, Your Honor.

25 THE COURT: Okay.

1 MS. RICHARDSON: And may we approach?

2 THE COURT: Sure you can. Is that all right,
3 then, Mr. Voigt, as it relates to the jury charges.

4 MR. VOIGT: Oh, absolutely, Judge. And I had sent
5 that note last night, mostly so that we could benefit from
6 what your clerk will do with it.

7 THE COURT: All right. And Mr. Edgeworth, does
8 that meet with your approval?

9 MR. EDGEWORTH: Yes, sir.

10 THE COURT: All right. Yes, sir.

11 MR. VOIGT: More housekeeping, Your Honor.

12 The State, I think on Monday night, Ms. Smith sent
13 some pictures, recovery of the body, as well as autopsy
14 pictures. I was able to review those last night and I will
15 not have any objections to the recovery pictures. I do
16 believe that the autopsy pictures are duplicative. I'll
17 make -- and so I think that there will objections to that.
18 And if we ever get a break before, you know, I just want to
19 make the Court aware that I have reviewed them, I will have
20 objections to certain autopsy photos.

21 THE COURT: That's fine. Are you going to have
22 any objections to autopsy photos, Mr. Hazzard, the
23 photographs?

24 MR. HAZZARD: Yes, sir. I'm going to have
25 objections to some of the recovery photos.

1 THE COURT: Okay.

2 MR. HAZZARD: And most of the autopsy photos.

3 THE COURT: Yes, sir.

4 MR. EDGEWORTH: Likewise, Your Honor, on both sets
5 of photos.

6 THE COURT: All right. Thank you, Mr. Edgeworth.
7 We'll deal with that at the appropriate time.

8 MS. RICHARDSON: Well, at the appropriate time is
9 we've got a couple of the witnesses before the body recovery
10 witnesses. So, I mean, like two or three, so the
11 appropriate time may be now.

12 THE COURT: All right. I'm happy to hear from
13 you.

14 MS. RICHARDSON: Your Honor.

15 THE COURT: Go ahead.

16 MS. RICHARDSON: I'm just going to -- if any
17 family members -- these are going to be displayed so if any
18 family members need to leave the courtroom.

19 THE COURT: All right. Ladies and gentlemen, who
20 are in the gallery, we're getting ready to review some very
21 sensitive photographs. And what I will tell you right now
22 is that if you cannot keep your emotions in check, and I
23 know it may be difficult, but if you cannot do that, then
24 you need to leave now. I want you to know that.

25 All right. The note says, I am informed that the

1 case is highly unlikely to go to the jury by the close of
2 business Friday. As a result it is anticipated the case
3 will continue into the early part of next week. If the jury
4 desires we can work on Saturday for all or part of the day
5 in hopes of completing the case Saturday or minimizing the
6 amount of time it will take to complete next week. We await
7 your response.

8 Does that meet the State's approval?

9 MS. RICHARDSON: Yes, Your Honor.

10 THE COURT: Mr. Hazzard?

11 MR. HAZZARD: Yes, sir.

12 THE COURT: Mr. Voigt?

13 MR. VOIGT: Yes, sir.

14 THE COURT: Mr. Edgeworth?

15 MR. EDGEWORTH: Yes, sir.

16 THE COURT: All right. Yeah, let me put
17 Judge Bonds on that, I'm sorry. Very good. I just signed
18 my name at the bottom of it.

19 All right, Solicitor, I'm happy to hear from you.

20 MS. RICHARDSON: Your Honor, we provided 28 photos
21 in discovery of the recovery of the body that were taken by
22 Investigator Kohut with the Georgetown County Sheriff's
23 Office.

24 THE COURT: Yes, ma'am.

25 MS. RICHARDSON: Of those 28 photos, the State

1 seeks to introduce...

2 THE COURT: And, Solicitor, given what you told --
3 if you feel more comfortable sitting down, please feel free
4 to do that. Okay?

5 MS. RICHARDSON: Photo 1462 is just a view from
6 the bank of the location of the body. I don't see where
7 that has any -- it's far enough away that it's not gruesome
8 or --

9 THE COURT: All right.

10 MS. RICHARDSON: -- or appeal to the prejudice --
11 or inflame the jury, but it does show the location of where
12 the body was located.

13 THE COURT: And to that extent, you gentlemen I'm
14 happy to hear from you as to an objection from any
15 particular photograph. I'm going to go ahead and deal with
16 it photograph by photograph.

17 MR. EDGEWORTH: Your Honor, I believe you are now
18 limiting some of the photos that were sent, it sounds like
19 are or they going in order? I'm just trying to go -- okay,
20 let me come over here to this. That makes more sense.

21 MR. HAZZARD: Because what I received was I
22 believe 36 photos, and obviously they're not labeled
23 numerically, so...

24 MS. RICHARDSON: That includes the autopsy photos.

25 MR. HAZZARD: Huh?

1 MS. RICHARDSON: That included the autopsy photos.

2 MR. HAZZARD: Yes.

3 MS. RICHARDSON: Okay. This is the photos just of
4 the body recovery.

5 THE COURT: All right. This first photograph, is
6 there any objection from the Defense on the first
7 photograph?

8 MR. VOIGT: No, Your Honor.

9 MR. EDGEWORTH: I have no objection to this photo.

10 THE COURT: All right.

11 MR. HAZZARD: No, sir.

12 MS. RICHARDSON: The next photo is 1466, and that
13 is a view of -- that is just a view of the yard and kind of
14 shows the steepness of the bank.

15 THE COURT: Any objection?

16 MR. HAZZARD: No, sir.

17 MR. VOIGT: No, sir.

18 MR. EDGEWORTH: No, Your Honor.

19 MS. RICHARDSON: 1458 is another view of the body
20 in the water?

21 THE COURT: Any objection?

22 MR. HAZZARD: No, sir.

23 MR. VOIGT: No, sir.

24 MR. EDGEWORTH: I have no objection to this photo,
25 Your Honor.

1 MS. RICHARDSON: This is 1459 and this is a closer
2 view showing the condition of the body as it was found in
3 the water.

4 THE COURT: Any objection?

5 MR. HAZZARD: No, sir.

6 MR. VOIGT: No, sir.

7 MR. EDGEWORTH: No objection, Your Honor.

8 MS. RICHARDSON: 1460 is a close up showing the
9 position of the hands and the clothing.

10 MR. EDGEWORTH: What was that number, again?

11 MS. RICHARDSON: 1460.

12 THE COURT: Any objection?

13 MR. HAZZARD: No, sir.

14 MR. VOIGT: No, sir.

15 MR. EDGEWORTH: No, Your Honor.

16 MS. RICHARDSON: And then 1467, and this shows how
17 the body was moved.

18 THE COURT: Any objection?

19 MR. HAZZARD: I would object to that one as being
20 duplicative of the previous one showing the body in the
21 water.

22 MS. RICHARDSON: Your Honor, from the State's
23 position we have eliminated all of the close ups of the body
24 and the more gruesome photos. But this is important for the
25 State to show the way the body was undisturbed in the river.

1 And then to show how it was recovered to show that any
2 injuries to the body were not caused during the recovery
3 process.

4 THE COURT: All right. I'll make a ruling -- I've
5 taken some notes on that, I note your objection and we'll
6 deal with that.

7 MR. EDGEWORTH: May I add to the objection, Your
8 Honor?

9 THE COURT: Yes, sir.

10 MR. EDGEWORTH: Because part of my objection on
11 this particular photo was, you know, it casts it in light,
12 too, where they're -- it looks like they're fishing him out.
13 And, of course, we don't know -- if the State's position now
14 is that, you know, We didn't disturb the body. Well, we
15 don't know whether this hook, you know, hit the body on the
16 way in or otherwise. So to say that it doesn't show -- what
17 they purport it to show, I think that adds to the prejudice
18 here.

19 MS. RICHARDSON: Well, in that case, Your Honor,
20 then I need to show more pictures to show more close-up
21 views of the body while it was in the body to show the
22 injuries.

23 THE COURT: All right. Go ahead. What's the next
24 one?

25 MS. RICHARDSON: That's all of them. And, like I

1 said, there were 28 photos.

2 THE COURT: Right.

3 MS. RICHARDSON: And we specifically went through
4 and chose. And if Your Honor wants to view the rest, you
5 know, we can do that as well.

6 THE COURT: All right. So those -- those are the
7 photographs at the scene?

8 MS. RICHARDSON: Yes, Your Honor, but now -- yes,
9 Your Honor.

10 THE COURT: Okay. All right. As it relates to
11 the photographs at the scene, I think that they're all --
12 they're all relative -- relevant. I think that they -- I
13 mean, they just show the unfortunate reality of the
14 situation. And I think that -- I think it's reasonable in
15 this case for the State to be able to show at least one
16 photograph as it relates to their retrieval of Mr. Harrison
17 from the -- from the river.

18 So I note your objections for the record, but that
19 will be my ruling and all of these will be able to come into
20 evidence if properly identified through whatever witness
21 they have.

22 MR. EDGEWORTH: Yes, Your Honor.

23 MR. HAZZARD: Yes, sir.

24 THE COURT: All right. Just for y'all's
25 edification, some will be happy, some will not, what's new.

1 All right. Sir, the jury has elected not to work
2 on Saturday. Thank you for your time in this matter.
3 Charles Powell, Juror 182.

4 So to that extent the jury has decided that they
5 do not want to work on Saturday. I know some wanted to work
6 on Saturday, some did not want to work on Saturday for a lot
7 of differ ways, but I think it was appropriate that the
8 decision in this case be left to the jury. They're the ones
9 that have been coming in at 9:00 o'clock. And as Mr. Voigt
10 so eloquently put it, they didn't necessarily sign up for
11 this, we did. And so I don't think it's fair to put any
12 additional pressure on them. I think they're working very
13 hard and have been here early and have stayed until
14 5:30-plus each day.

15 So, with that, I'm going to make this -- if you
16 want to come up and read this note, you can, otherwise I'm
17 going to go ahead and make this as a Court's Exhibit and
18 tell the -- and we'll be able to go ahead move forward. We
19 won't work on Saturday, but we will start back up Monday
20 morning. I'll have to contact court administration. I'm
21 supposed to be trying cases in Beaufort next week. But I'm
22 sure they will accommodate me.

23 All right. Anything further concerning the note
24 from the jury, from the State?

25 MS. RICHARDSON: No, Your Honor.

1 THE COURT: Mr. Hazzard?

2 MR. HAZZARD: No, sir.

3 THE COURT: Mr. Voigt?

4 MR. VOIGT: No, sir.

5 THE COURT: Mr. Edgeworth?

6 MR. EDGEWORTH: No, sir.

7 THE COURT: All right. We'll make that 5?

8 COURT REPORTER: Yes, sir.

9 THE COURT: Thank you. All right. Okay. Yes,
10 and I'm sorry, why don't we make my note Number 5 and that
11 note in response Number 6. Thank you.

12 (WHEREUPON, Court's Exhibit Numbers 5 and 6 was
13 marked.)

14 THE COURT: Do we want to go ahead and look at the
15 autopsy photos now, Solicitor? Or do you want to wait?

16 MS. SMITH: I beg the Court's indulgence, of
17 course, technology apparently hates us. So we are working
18 on getting this back shortly.

19 THE COURT: No problem.

20 MS. SMITH: Your Honor, this is -- what we have
21 are pictures from the autopsy, we have printed out pictures
22 as well. The first two that we plan on showing are pictures
23 of X-rays.

24 THE COURT: Is there a number associated with
25 that?

1 MS. SMITH: I believe the 924 is the number --
2 those are the last three on these photos, 924 are the last
3 three digits on this. They continue.

4 THE COURT: All right. Okay. Hold on. As it
5 relates to the X-ray photos, any objections?

6 MR. HAZZARD: No, objection.

7 MR. VOIGT: No objection.

8 MR. EDGEWORTH: No objection, Your Honor.

9 THE COURT: Thank you.

10 MS. SMITH: We've got Number 4 on the FA17204,
11 Number 4. Your Honor, this did assist the pathologist in
12 her report and she will testify to the water mark lines on
13 this photo. And we can go to the next.

14 THE COURT: Hold on a second. Hold on.
15 Any objection?

16 MR. HAZZARD: I don't believe there's -- I would
17 object to it, I don't believe there's any probative
18 information to be gleaned from that photograph of the
19 deceased body laying on the table. I believe the sole
20 purpose of it or the sole result of it would be to inflame
21 the passions and prejudices of the jury, which would violate
22 my client's Constitutional Rights under the South Carolina
23 and United States Constitution to due process of a fair
24 trial.

25 THE COURT: All right. Do the other Defendants

1 join in?

2 MR. VOIGT: I join in that, Your Honor. And I
3 will make this note, which is relative to all these autopsy
4 photograph, that for those of us who have chosen to do this
5 sort of thing for a living, we are -- we see these types of
6 photographs, and I think that we underestimate the effect
7 this has on people who are not in the business, so to speak.

8 I think that these photographs have a much more
9 profound effect on laypeople than we -- than we give credit
10 to. And I think that none of those effects redound to my
11 client's benefit and, in fact, violate his rights.

12 THE COURT: All right. Anything else anybody
13 wants to add?

14 MR. EDGEWORTH: No, Your Honor. Just for the
15 record, I absolutely join in, in the objection and the
16 arguments made by Counsel.

17 THE COURT: Okay.

18 MS. RICHARDSON: Your Honor, just out -- I'm
19 assuming we're going to have this same objection to the most
20 of the pictures. The State's position is, we've tried to
21 limit, as I've said, there were 28 of the body recovery and
22 we're trying to limit what is being shown. But this is a
23 murder case where there is no clear cause of death.

24 Arguments that has been brought up in all of the
25 opening statements, injuries to the body are going to be

1 important, so that the pathologist can explain where there
2 were defects in the body and possible injuries. So I think
3 every injury needs to be shown to the jury. The bindings
4 need to be shown from multiple angles to the jury to show
5 the manner of death.

6 Also, Your Honor, this is a desecration case, as
7 well.

8 THE COURT: All right.

9 MS. RICHARDSON: And the jury needs to see the
10 condition of the body in that regard. But since the cause
11 of death is a contention, Your Honor, I think it's important
12 that the jury see all of the areas of injury on the body.

13 Ms. Smith is going to finish arguing this. She
14 talked with the pathologist who specifically went with her
15 through the pictures to say what would aid in her testimony
16 in this matter. And I believe it's State v. Collins, that's
17 the case involving the child that was mauled by dogs, and
18 our Supreme Court has recognized, although it's unfortunate
19 that, you know, we can't just rely on squeamishness. This
20 is not to inflame the jury from the State's position, but
21 cause of death and desecration or at issue here.

22 THE COURT: All right. Let's move on to the next
23 photograph, please.

24 MS. SMITH: Yes, Your Honor. I do believe that I
25 forgot the foot bindings which are 846, 473, 925, so the

1 last three digits 925, these are the X-rays of the foot
2 bindings.

3 THE COURT: All right. Any objection to the
4 X-rays?

5 MR. HAZZARD: No, sir.

6 MR. VOIGT: No, sir.

7 MR. EDGEWORTH: No, Your Honor.

8 THE COURT: Okay.

9 MS. SMITH: Moving on. This is FA17204, Item
10 Number 5, or Picture Number 5, this is the image of the
11 victim's body. It shows the defects in his right side, the
12 very large gash in his right side. The body is still in
13 a -- in the same position where he was found floating in the
14 river, Your Honor. This is just a more detailed picture.
15 We did exclude -- we are excluding more graphic pictures
16 than this one.

17 THE COURT: All right. Is it the same
18 objection -- is it going to be the same objection as it
19 relates to this photographs from the Defense, Mr. Hazzard?

20 MR. HAZZARD: In a sense, Your Honor, yes. And I
21 will add to that, after listening to the Prosecutor's
22 reasoning for why these should be admissible, first of all
23 she indicated, or at some point she indicated that they
24 were -- that they would be helpful in determining the cause
25 of death. But then they say we don't know the cause of

1 death.

2 So I'm -- so possibly these would be probative and
3 relevant if they actually did indicate the cause of death,
4 but she's saying they don't. So then what is the relevance
5 of them? What is the purpose of them?

6 THE COURT: Well, I think she said that this would
7 assist the coroner or pathologist as it relates to her
8 descriptions. And also, I mean, I think in your openings --
9 I think in the openings from the defense they talked about
10 cause of death, their lack of cause of death, they're not
11 being able to prove it or what the injuries were.

12 So, I mean, I disagree with you as it relates to
13 the need for autopsy photographs as it relates -- as to that
14 general argument. But as to this specific picture, anything
15 other than the arguments that you've made already,
16 Mr. Hazzard?

17 MR. HAZZARD: No, sir. All right. Anything else,
18 Mr. Voigt?

19 MR. VOIGT: I will say this and this will -- that
20 way I don't have to say it again.

21 THE COURT: Yes, sir.

22 MR. VOIGT: I believe the State's decision to
23 charge desecration --

24 THE COURT: Yes, sir.

25 MR. VOIGT: -- has absolutely no impact on the

1 probative value of these photographs. I don't believe that
2 there will be evidence -- perhaps there maybe between now
3 and then, but I haven't heard it in the State's theory, any
4 evidence that these photographs are going to support that
5 particular charge. I don't believe their charging decision,
6 in this particular matter, determines what's probative. And
7 I'll just join Mr. Hazzard's objection, because I believe
8 he's right.

9 THE COURT: Mr. Edgeworth?

10 MR. EDGEWORTH: Likewise, Your Honor, I join in
11 the objection.

12 THE COURT: All right. Let's move to the next
13 photograph.

14 MS. SMITH: 204, Item Number 6.

15 THE COURT: All right. Let me just ask: Any
16 objection to photograph of the hands?

17 MR. HAZZARD: No, sir.

18 THE COURT: Mr. Voigt?

19 MR. VOIGT: No, Your Honor.

20 MR. EDGEWORTH: No, Your Honor.

21 THE COURT: All right. We can move on.

22 MS. SMITH: 204, Item Number 9.

23 THE COURT: Hands?

24 MR. HAZZARD: No objection.

25 MR. VOIGT: No objection, Your Honor.

1 MR. EDGEWORTH: No objection, Your Honor.

2 THE COURT: All right. 204, 10, different view,
3 hands?

4 MR. HAZZARD: I would object, because at this
5 point, and you'll see that there are several photographs of
6 the hands, and I would say at this point it's becoming
7 duplicative. If the issue with regard to hands is to show
8 the swelling and the sloughing of the skin, then the first
9 photograph shows that. So I don't know how many more
10 photographs --

11 THE COURT: Okay.

12 MR. HAZZARD: -- you need to show that --

13 THE COURT: All right.

14 MR. HAZZARD: -- so I would object on the grounds
15 that it's duplicative as well therefore --

16 THE COURT: Mr. Voigt?

17 MR. HAZZARD: -- the only purpose being to inflame
18 the passions and prejudices of the jury.

19 THE COURT: Thank you. Mr. Hazzard.

20 MR. VOIGT: I join in that objection, Your Honor.

21 MR. EDGEWORTH: I join the objection, Your Honor.

22 THE COURT: All right. Next photograph.

23 MS. SMITH: Your Honor, do you want us to tell you
24 why those are important now or later?

25 THE COURT: Um.

1 MS. SMITH: There -- I mean, there is a -- there
2 is a reason as to why each of these views are important and
3 each of these views do show different things.

4 THE COURT: All right. Well, very quickly,
5 please.

6 MS. SMITH: Okay. Your Honor, you take over.

7 MS. RICHARDSON: Your Honor, the different views
8 are necessary to show the amount of loops and the knots that
9 were tied in the different areas that were there, because it
10 will be the pathologist that will explain how the decedent
11 would not have been able to have done that. And it also
12 shows that the thumb is wrapped. It shows how tight the
13 bindings were from different angles. And also shows the
14 free edges were clear.

15 THE COURT: All right. Is this one -- is that
16 one -- all right.

17 MS. SMITH: Sorry, I was just going to pull them
18 all up.

19 MS. RICHARDSON: And, Your Honor, it also shows
20 the -- it's very important for us to show the position of
21 the hands, because one hand was covering the palm of the
22 other that is injured.

23 THE COURT: All right. Let's move on to the next
24 photograph. All right. Any objection to this photograph as
25 it relates to the feet from the Defense?

1 MR. HAZZARD: No objection.

2 MR. VOIGT: No, sir.

3 MR. EDGEWORTH: No objection, Your Honor.

4 THE COURT: And what number is that?

5 MS. SMITH: Your Honor, that's 204, 11.

6 THE COURT: Thank you.

7 MS. SMITH: And, Your Honor, the next is 204, Item
8 Number 12.

9 THE COURT: Any objection?

10 MR. HAZZARD: No objection.

11 THE COURT: Mr. Voigt?

12 MR. VOIGT: No, sir.

13 THE COURT: Mr. Edgeworth?

14 MR. EDGEWORTH: No objection, You Honor.

15 THE COURT: All right. Next.

16 MS. SMITH: 204, Item Number 13.

17 THE COURT: This is just another angle?

18 MS. SMITH: Yes, Your Honor, it also shows
19 different angles of the bindings as well and more of the
20 free ends.

21 THE COURT: All right.

22 MS. SMITH: I mean, obviously, the knots in this
23 picture are very clear.

24 THE COURT: All right, Solicitor. Gentlemen,
25 Mr. Hazzard?

1 MR. HAZZARD: I would object. I think at this
2 point it's become a little duplicative. Also, if their
3 argument is that they have to show the knots from different
4 angles to prove that the decedent didn't do it himself, I
5 think that's a little disingenuous. I don't think there's
6 been any argument made that he bound himself, hand and foot,
7 and through himself into the Black River.

8 So I do not know how many angles of the decedent
9 they need, Your Honor.

10 THE COURT: All right.

11 MR. HAZZARD: So objection to being duplicative at
12 that point.

13 THE COURT: Yes, sir.

14 MR. VOIGT: I would join in that, Your Honor.

15 THE COURT: Thank you.

16 MR. EDGEWORTH: I join in that objection, Your
17 Honor.

18 THE COURT: All right. Thank you.

19 Go ahead, Solicitor.

20 MS. SMITH: 204, 14, different angle of -- it is a
21 different angle it continues to show the wire and the
22 knotting.

23 MR. HAZZARD: Same objection.

24 THE COURT: Yes, sir.

25 MR. VOIGT: Join in the objection.

1 MR. EDGEWORTH: I join in the objection, Your
2 Honor.

3 MS. SMITH: And, again, Your Honor, the State does
4 have the burden to show malice.

5 THE COURT: Okay. Next photograph.
6 Any objection.

7 MR. HAZZARD: Same objection, Your Honor.

8 MR. VOIGT: Joined, Your Honor.

9 MR. EDGEWORTH: Same objection, Your Honor.

10 THE COURT: Is this 20 -- thank you, gentlemen.

11 MS. SMITH: 204-15, Your Honor.

12 THE COURT: 204-15?

13 MS. SMITH: Yes.

14 THE COURT: All right. Go ahead. This is the
15 angle of the hand that is on the bottom. It is showing the
16 defects that is on the hand and the absence of clubbing.

17 Objections?

18 MR. HAZZARD: No objection.

19 MR. VOIGT: Judge, I will object to that. I think
20 that's gratuitously invasive. I believe it's only meant to
21 inflame. If -- if -- and it also shows manipulation of the
22 body, which is clearly, obviously, done at an autopsy. But
23 if we thought autopsies were relevant, we'd film them and
24 show them to juries, and we don't. At least that part of
25 the procedure. Some of this stuff really should remain

1 behind the curtain.

2 THE COURT: All right. Mr. Edgeworth?

3 MR. EDGEWORTH: I join in the objection, Your
4 Honor.

5 THE COURT: Okay. And that's 20 -- 204-17?

6 MS. SMITH: 16, Your Honor.

7 THE COURT: 16. All right. Anything else?

8 MS. SMITH: Any other pictures?

9 THE COURT: Yes, ma'am.

10 MS. SMITH: Yes.

11 MR. EDGEWORTH: That's labeled 17. I'm down to 17
12 and the picture shows 17. Is that 17-204?

13 MS. SMITH: 17-204, Item Number 16.

14 MR. EDGEWORTH: Okay. You're talking about the
15 Item Number?

16 THE COURT: Okay.

17 MS. SMITH: Your Honor, this is a picture of the
18 defendant's (sic) hands, the bindings on his hands and the
19 fact that fact it is showing the defects of the defendant's
20 (sic) hand on the side of it.

21 THE COURT: All right. Any objection?

22 MR. HAZZARD: Yes, sir. I would submit that the
23 previous photos have shown the defects, have shown the close
24 up of the hands, thus making this duplicative. And the only
25 purpose it would serve or the result it would have would be

1 to improperly -- well, not improperly -- to inflame the
2 passions and prejudices of the jury, since there's never a
3 proper inflaming of passions and prejudices of the jury.

4 Therefore it would be impermissible as it would to
5 violate my client's due process rights under the
6 South Carolina, U.S. Constitutions to a fair trial.

7 THE COURT: Mr. Voigt?

8 MR. VOIGT: I will join in that objection, Your
9 Honor.

10 THE COURT: Mr. Edgeworth?

11 MR. EDGEWORTH: I will join in that objection,
12 Your Honor.

13 THE COURT: And what is that -- that's what
14 204-16.

15 MS. SMITH: Item number 17, Your Honor.

16 THE COURT: 17?

17 MS. SMITH: Yes, Your Honor. And we have not
18 shown a picture -- there is no other picture that shows this
19 angle that we have shown at this point in time. It shows
20 the side of the victim's hand with the defects on it.
21 There's been no other picture at this point in time that has
22 shown those defects.

23 THE COURT: Okay.

24 MS. RICHARDSON: And, Your Honor, we do have hard
25 copies of those. And maybe other pictures that might be

1 able -- easier to compare what is --

2 THE COURT: No, I'm good. I'm good.

3 MS. RICHARDSON: -- duplicated and what's not.

4 THE COURT: I'm good. Go ahead.

5 MS. SMITH: Your Honor, this is showing the defect
6 of the victim's hand. The hand that is behind -- there is
7 one hand that is over the other hand. This is the hand on
8 the backside, Your Honor. There is a defect going across --
9 across the hand. Your Honor, this is -- this also shows the
10 tightness of the bindings and the lack fingernails that are
11 on the victim's -- the victim's left hand.

12 MR. VOIGT: What number is this?

13 MS. SMITH: This 2014, Item Number 18.

14 MR. VOIGT: Thank you.

15 THE COURT: Any -- same objection, Mr. Hazzard?

16 MR. HAZZARD: Yes, sir, Your Honor. I would argue
17 that it is duplicative. What they are saying is the same
18 thing, it shows the defect, it shows the defect. That's the
19 same as previous pictures. So I would object on those
20 grounds.

21 MR. VOIGT: I would join in that objection.

22 MR. EDGEWORTH: I join in the objection, Your
23 Honor.

24 THE COURT: All right. What's next?

25 MS. SMITH: Your Honor, that is a different

1 defect. That is a different angle of a defect. I mean, the
2 previous picture did not show this portion of the defect.

3 THE COURT: What's the defect?

4 MS. SMITH: Your Honor, if I -- Your Honor, if I
5 may approach?

6 THE COURT: Sure.

7 MS. SMITH: That is the defect. It is a slice.

8 THE COURT: All right.

9 MS. SMITH: 204, Item Number 20, this is showing
10 the defects on the -- on the victim's left thumb and webbing
11 of his thumb, Your Honor.

12 THE COURT: All right. Same objection from the
13 Defense?

14 MR. HAZZARD: But for the other duplicative
15 pictures, I actually would not have an objection to that
16 particular picture, Your Honor. But when you take them all
17 cumulatively, one picture after the other, after the other,
18 after the other, you know, that is when you're talking about
19 inflaming the passions and prejudices of the jury and the
20 fact that it has absolutely not probative value. But that
21 picture standing alone, I would have no objection to.

22 MR. VOIGT: I would concur with that objection,
23 Your Honor.

24 MR. EDGEWORTH: I'd likewise join in this
25 objection, Your Honor.

1 THE COURT: Okay. Next.

2 MS. SMITH: Your Honor, these pictures, these
3 angles, of the left hand, the one with the slicing, the
4 defect, Your Honor, the pathologist is going to use these as
5 a -- these are consistent with a defensive wound, Your
6 Honor. And, I mean, that is the purpose. It is extremely
7 probative. It is extremely relevant to this case.

8 This is -- the effects and the angles, I mean, one
9 angle is showing the deepness of the -- the deepness of the
10 cuts. You know, there are lots of pictures of his hands,
11 yes, I completely understand that. And, however, these are
12 being used to assist that pathologist in her testimony and
13 in her -- and in her -- her report in general.

14 THE COURT: All right. Next.

15 MS. SMITH: 21, the tightness of the bindings,
16 Your Honor. That's what -- that is what extremely important
17 in this one. It also...

18 THE COURT: Same objection gentlemen?

19 MR. HAZZARD: For Alexander Rhue Sr., yes, sir.

20 MR. VOIGT: I would join in that objection, Your
21 Honor.

22 MR. EDGEWORTH: I join in the objection your
23 honor.

24 THE COURT: All right. Thank you. Next.

25 MS. SMITH: 23, this one's an overview -- sorry

1 FA17204, Item Number 23. Your Honor, this again shows the
2 tightness of the bindings -- or this shows the tightness of
3 the bindings in this picture. And in the words of our
4 pathologist, that he wouldn't have been able to slip it.

5 THE COURT: Okay. Same objection, gentlemen?

6 MR. VOIGT: Yes, Your Honor.

7 MR. HAZZARD: Yes, sir.

8 MR. EDGEWORTH: Same objection, Your Honor.

9 THE COURT: Go ahead.

10 MS. SMITH: Item 33, the cutting of the rope -- or
11 excuse me, the cutting of the wire.

12 THE COURT: All right.

13 MS. SMITH: Your Honor, at this point in time, you
14 really cannot get an accurate idea of how many times this
15 victim's hands were bound with this wire, how many times it
16 was wrapped around. Your Honor, particularly in this
17 picture, you can see that pathologist actually had to push
18 the scissors down into -- down into the skin a little bit to
19 get underneath the wire in order to cut the wire.

20 THE COURT: Gentlemen?

21 MR. HAZZARD: I do not see the relevance of the
22 pathologist removing the speaker wire.

23 THE COURT: Okay. Mr. Voigt?

24 MR. HAZZARD: Therefore I object to that.

25 MR. VOIGT: I would object. And, further Your

1 Honor, I'm assuming that the pathologist is going to, based
2 on the admission of certainly, several of these photographs
3 to this point, which have been admitted, as to the tightness
4 of the binding and all of the things that State is given as
5 reasons, how many times they were wrapped. And I'm sure
6 that we're going to get testimony about the difficulty of
7 removing the binding. I don't believe that that photograph
8 assist the jury to understand anything, it would only seek
9 to inflame them.

10 THE COURT: Mr. Edgeworth?

11 MR. EDGEWORTH: I join in the objection, Your
12 Honor.

13 THE COURT: Thank you. Next, please.

14 MS. SMITH: This is further cutting of the
15 binding, this is Item Number 40, FA17204, Item Number 40.

16 Your Honor, this does assist the jury in
17 understanding the amount of times that this man was bound.
18 he was wrapped over and over again with the speaker wire.

19 THE COURT: Gentlemen. Mr. Hazzard?

20 MR. HAZZARD: I object again. I fail to see the
21 relevance of it. The question of whether or not he was
22 bound is not at issue. The arguments we are hearing is that
23 they have to prove that he didn't bind himself and throw
24 himself in the river. I think anyone of the preceding 20
25 pictures would make that point.

1 THE COURT: All right. Mr. Voigt?

2 MR. VOIGT: I join in that objection.

3 THE COURT: Mr. Edgeworth?

4 MR. EDGEWORTH: I join the objection, Your Honor.

5 THE COURT: Go ahead.

6 MS. SMITH: The next one is FA17204, Item
7 Number 42, showing the rope -- showing the speaker wires
8 being removed from his thumb, Your Honor.

9 THE COURT: Mr. Hazzard?

10 MR. HAZZARD: I object simply because of the
11 number of photographs before it. As to that individual
12 picture, I don't really have a problem with it, but when you
13 add in the 20-some-odd before it, I believe that there is a
14 cumulative effect --

15 THE COURT: All right.

16 MR. HAZZARD: -- that endures to the
17 Constitutional detriment of my client's rights to a fair
18 trial due process under the South Carolina and United States
19 Constitution.

20 THE COURT: All right.

21 MR. HAZZARD: And for that reason I object.

22 THE COURT: All right. Mr. Voigt?

23 MR. VOIGT: I join in that objection for that
24 reason.

25 THE COURT: All right. Mr. Edgeworth?

1 MR. EDGEWORTH: I join in the objection, Your
2 Honor.

3 THE COURT: Go ahead.

4 MS. SMITH: 44, the sheer amount of times that the
5 hands were wrapped. It is showing that she taped the ends,
6 she's also showing a picture of the free end at this point
7 in time. Your Honor, the end is cut cleanly, that is --
8 that is what this picture shows. Your Honor, it also shows
9 the defect of the hand. However, we have another picture to
10 clearly show the full defect of this left hand.

11 THE COURT: What number is that?

12 MS. SMITH: Your Honor, that's Item Number 44.

13 THE COURT: Same objection, gentlemen?

14 MR. HAZZARD: Yes, sir. The argument being
15 positive is that this picture shows the sheer number of
16 times the hands were wrapped. We have heard that about
17 approximately five or six other photographs. So I would
18 submit that they're duplicative and would serve only to
19 inflame the passions and prejudices of the jury thus
20 violating my client's rights to a fair trial and due process
21 under the South Carolina and United States Constitutions.

22 THE COURT: All right.

23 MR. VOIGT: I would join in that objection, Your
24 Honor.

25 MR. EDGEWORTH: I join in the objection, Your

1 Honor.

2 THE COURT: All right. Next.

3 MS. SMITH: Item Number 53. Your Honor, this is
4 cutting -- this is cutting the wire from the left hand, the
5 previous pictures were of the right -- were of the right
6 hand.

7 THE COURT: Same objection, gentlemen?

8 MR. HAZZARD: Yes, sir, Your Honor.

9 MR. VOIGT: Yes, sir.

10 MR. EDGEWORTH: Yes, Your Honor.

11 THE COURT: Thank you. Next.

12 MS. SMITH: Item Number 60, is a closeup of the --
13 it's the full effect, it is the full picture of the defect
14 on the victim's right hand, or left hand, Your Honor. You
15 know, this is the picture you can see the deepness of the
16 wound.

17 And, as I said before, a photo of this nature not
18 only will it show the -- not only will it show that these
19 wounds could be consistent with a defensive wound, but it
20 also shows furrowing on the wrist. You can see the indents,
21 which I believe the proper term for that is a "furrow," Your
22 Honor.

23 THE COURT: All right. Gentleman?

24 MR. HAZZARD: Your Honor, but for the preceding
25 pictures, I would not have an objection to that, because I

1 think that actually is one of the ones that shows what they
2 claim that they want to show.

3 THE COURT: Yes, sir. Mr. Voigt?

4 MR. HAZZARD: So, but for the other pictures, I do
5 not object to that one.

6 THE COURT: I'm sorry. I didn't mean to cut you
7 off, Mr. Hazzard. Go ahead.

8 MR. HAZZARD: I mean, I'm placing -- because we're
9 looking at these pictures in this sequence, again, I'm old
10 school, I'm used to actually having physical photographs
11 that you look at and rulings being made on each photograph.

12 But as to that one, individually, I do not have an
13 objection to it but for if the ones preceding it are
14 admitted, then I think it becomes duplicative.

15 THE COURT: I understand. Mr. Voigt?

16 MR. VOIGT: I would join in that objection, Your
17 Honor.

18 THE COURT: Okay.

19 MR. EDGEWORTH: Same objection, Your Honor.

20 THE COURT: Item Number 64, Your Honor, is the
21 cutting of the wire on his feet showing that she had to
22 press down in order to cut the bindings. And it also shows
23 the free ends which are labeled. Gentlemen?

24 MR. HAZZARD: Same objection, Your Honor, because
25 we've seen several photographs of the bindings on the ankles

1 and the feet, so it makes it duplicative.

2 MR. VOIGT: I concur, Your Honor.

3 MR. EDGEWORTH: I join the objection, Your Honor.

4 THE COURT: All right. Thank you. Next.

5 MS. SMITH: The next one is Item Number 72.

6 THE COURT: How many are there?

7 MS. SMITH: Your Honor, I believe there is --
8 there are five more -- six more.

9 THE COURT: Okay. Go ahead.

10 MS. SMITH: Okay. This is the speaker wire --
11 Your Honor, do you mind if I speak to you while sitting
12 down, I apologize?

13 THE COURT: Sure you can, that's not problem.

14 MS. SMITH: I apologize. Item Number 72, this is
15 the -- after she has cut the speaker wire from victim's
16 feet -- excuse me, his ankles, Your Honor, she has taped the
17 ends of the wire. At this point in time, you can clearly
18 see the sheer amount at this point.

19 THE COURT: All right. Same objection, gentlemen?

20 MR. HAZZARD: Actually, I have no objection to
21 that photograph. Again, in some of the photographs the
22 State says the purpose of those photographs is to show the
23 sheer number of times and how much wire we're talking about.
24 Well, there's your perfect photograph to show how much wire
25 we're talking about. So, no, I have no objection to that

1 photograph, Your Honor.

2 MR. VOIGT: No objection.

3 MR. EDGEWORTH: No objection, Your Honor.

4 THE COURT: Well, in that case, that will be
5 admitted without objection. All right. What's next?

6 MS. SMITH: Item Number 74, Your Honor. This one
7 is -- I believe that one is already in evidence.

8 THE COURT: Any objection to the tattoo?

9 MR. HAZZARD: No, sir.

10 MR. VOIGT: I had already objected to it, so.

11 THE COURT: Mr. Edgeworth?

12 MR. EDGEWORTH: No objection, Your Honor.

13 THE COURT: All right. That's going to be
14 admitted.

15 MS. SMITH: Item Number 84, Your Honor, is a
16 picture of the victim's hoodie.

17 THE COURT: Any objection, gentleman?

18 MR. HAZZARD: I'm assuming that was on the body at
19 the time of recovery?

20 MS. SMITH: Absolutely.

21 MR. HAZZARD: No objection.

22 MR. VOIGT: No objection.

23 MR. EDGEWORTH: No objection, your Honor.

24 THE COURT: All right. That's admitted.

25 MS. SMITH: Your Honor, a closeup of the torn --

1 excuse me, Your Honor, this is Item Number 86, it is a
2 closeup of the tearing of the victim's hoodie at the bottom
3 left corner.

4 THE COURT: Any objection, gentlemen?

5 MR. HAZZARD: No objection, sir.

6 MR. VOIGT: No objection.

7 MR. EDGEWORTH: No objection, Your Honor.

8 THE COURT: All right. That's going to be
9 admitted without objection.

10 MS. SMITH: 109, furrows.

11 THE COURT: Gentlemen?

12 MR. HAZZARD: Your Honor, again, this particular
13 photograph I have no objection to. The State says they want
14 to show the defect or -- the defect in the hand in the right
15 hand, there's your perfect photograph to show it. I have no
16 objection to that one, but if the eight or ten others are
17 admitted, then, yes, I have an objection for being
18 duplicative.

19 THE COURT: All right.

20 MR. VOIGT: I will join in that reasoning, Your
21 Honor.

22 MR. EDGEWORTH: Same objection, Your Honor.

23 THE COURT: All right. Solicitor, you got hard
24 copies of each one of these?

25 MS. SMITH: Yes, Your Honor.

1 THE COURT: All right. And are they each -- do
2 they each have the number on them?

3 MS. SMITH: Yes, Your Honor, on the back.

4 THE COURT: All right. Bring those up.

5 MS. SMITH: Besides the ones that you've already
6 admitted?

7 THE COURT: All of the X-rays are admitted without
8 objection. The others that I just acknowledged that were
9 without objection, those are in, but just whatever is going
10 to be quickest, I want to -- I want to look at this.

11 MS. SMITH: Yes, Your Honor.

12 THE COURT: And let me just tell you, gentleman, I
13 do believe that unfortunately the photographs, I mean, just
14 mirror the reality of the case. And I think that's outlined
15 in Collins. And, to that extent, I don't think in Collins,
16 just because they're gruesome, they're not inadmissible
17 merely because they're gruesome. And, to that extent,
18 though I do agree that some of these photographs, in my
19 opinion, are duplicative. And to that extent those that I
20 believe are duplicative, I'm going to exclude those. And so
21 what I want to do is go through them.

22 Solicitor, did you show this one? I didn't recall
23 seeing this one on the video.

24 MS. SMITH: May I approach, Your Honor?

25 THE COURT: Sure. FA17204, 129?

1 MS. SMITH: No, Your Honor. There were two left
2 when you asked for the hard copies. That is not one of the
3 ones that was shown on the screen.

4 THE COURT: Okay. Well, then I don't know if
5 they've seen it.

6 MS. SMITH: Yes, sir.

7 THE COURT: Hand that to those gentlemen.

8 MS. SMITH: Yes, sir. May I approach?

9 THE COURT: Uh-huh. Any objection on this
10 photograph, when I say this, FA17204, 129?

11 MR. HAZZARD: By itself, no objection from me,
12 Your Honor.

13 THE COURT: Mr. Voigt?

14 MR. VOIGT: Only in so far as it maybe duplicative
15 of other photographs, but in and of itself, I have no
16 objection.

17 MR. EDGEWORTH: Same objection, Your Honor.

18 THE COURT: All right. I do believe that there
19 are some duplicative photographs. I think FA17204, 64, the
20 feet, the cutting of the feet, I think that's -- I don't --
21 I just don't -- I think there are other photographs that
22 show the tightness of the webbing, of the feet, and of the
23 wire, and so I just don't think that cutting adds anything.

24 MS. SMITH: Your Honor, would you repeat that
25 number for me?

1 THE COURT: Sure.

2 MS. SMITH: So I can write it, I apologize.

3 THE COURT: FA17204, 64.

4 MS. SMITH: 64?

5 THE COURT: Yes, ma'am.

6 Again, I think duplicative. FA17204, 14. I think
7 duplicative FA17204, 17. I think duplicative FA17204, 23.
8 I think the same thing for FA17204, 33. I think the same
9 thing for FA17204, 53. I think the same thing for FA17204,
10 42.

11 I believe that the rest of the photographs are
12 relevant and, while they maybe gruesome, I certainly think
13 that, like I said, it shows the sad reality of the
14 situation. I also believe that there are -- there are
15 enough variations in those photographs that I believe the
16 anticipated testimony that's going -- that the State
17 indicates that the medical examiner is going to be making
18 reference to is going to show different potential injuries
19 that maybe I think that may be relevant and assist the jury
20 in this case. So that will be my ruling. These will be
21 out. And these will be in. All right, gentleman?

22 Anything further concerning the photographs from
23 the State?

24 MS. RICHARDSON: Yes, Your Honor, based on the
25 Arguments of Counsel regarding possible manipulation of the

1 body, the State would ask for a full body photo from the
2 body recovery site, just to show the position of the body
3 when it was -- and the condition. It would also be, I
4 believe, the only photograph of the face, which would go --
5 and it's not really that close up of the face. We have two.
6 This one shows the full...

7 MR. VOIGT: I didn't make an objection to that, so
8 don't concede that.

9 MS. RICHARDSON: And if I could show Your Honor
10 that?

11 THE COURT: All right. You can just hand it to
12 me.

13 MS. RICHARDSON: And we got to put a number on the
14 back.

15 And that just shows where the body was recovered,
16 just to show there was no manipulation. Your Honor, as I
17 was showing them, there's obviously much more gruesome
18 photos that we're not seeking to admit.

19 THE COURT: All right. As to these two
20 photographs that I've been handed, Mr. Hazzard?

21 MR. HAZZARD: I saw one photograph, I wasn't shown
22 two.

23 THE COURT: I'm sorry, sir.

24 MS. RICHARDSON: This would be the only one of the
25 face, but it does show just closer up of the face.

1 THE COURT: Let me hear from you, Mr. Hazzard.

2 MR. HAZZARD: No objection.

3 THE COURT: Mr. Voigt?

4 MR. VOIGT: Your Honor, I didn't object to the
5 recovery photographs at all. I would object to these. I
6 think that this is -- now I think this -- I think the State
7 made the correct call the first time, and now I think
8 they're doubling down on making the incorrect call, which
9 would serve to inflame the jury.

10 This pathologist is going to testify, I believe,
11 that she doesn't know how these wounds occurred. That isn't
12 going to change no matter what photographs are introduced.

13 THE COURT: All right. Mr. Edgeworth?

14 MR. EDGEWORTH: Yes, Your Honor. Just to
15 reiterate, and my understanding is that you had excluded
16 Number 17?

17 THE COURT: Which one.

18 MR. EDGEWORTH: Where the body was taken out of
19 the water with the fish hook or whatever?

20 THE COURT: No, I think I allowed that in. Where
21 they showed the body being basically put the fish hook, or
22 whatever apparatus they were using, I guess, to try to guide
23 the body toward the shore. Yes, sir, I said that one.

24 MR. EDGEWORTH: And that -- well, I was making
25 sure that that was my understanding of the Court's ruling,

1 that that one has been admitted.

2 THE COURT: Yes, sir.

3 MR. EDGEWORTH: So my objection wasn't to
4 manipulation of the body, my objection was simply to the
5 fact that there was a, you know, the fish hook was in the
6 picture, as opposed to the body as of itself. It didn't
7 have anything to do with the -- so in that line of
8 thought -- with the State's line of thought that they need
9 an additional photo, which is even more gruesome than the
10 others, it doesn't shed any light on their argument that the
11 body wasn't manipulated in some form or fashion.

12 THE COURT: All right.

13 MR. EDGEWORTH: There was no objection on that
14 basis.

15 THE COURT: All right. I'm going to allow the one
16 that shows -- I'm not going to allow the one with the
17 closeup of the face.

18 MS. RICHARDSON: Okay.

19 THE COURT: And so the photographs that shows
20 Mr. Harrison on the shore or on the side of the river, I
21 will allow that, but not the one that has the more close-up
22 picture of his face, all right?

23 Anything further before we can get the jury in
24 here, Solicitor?

25 MS. RICHARDSON: Your Honor, if we could just have

1 five minutes to make sure that we --

2 THE COURT: All right.

3 MS. RICHARDSON: -- just to make sure that we
4 don't accidentally -- we have it digitally, correct.

5 THE COURT: Okay.

6 MR. HAZZARD: Are we taking a break, Your Honor?

7 THE COURT: Yes, that's fine. Yes, sir.

8 MR. HAZZARD: Thanks.

9 THE COURT: We'll be at ease for about
10 five minutes.

11 (WHEREUPON, there was a break held from 10:25 a.m.
12 until 10:30 a.m.)

13 THE BAILIFF: All rise.

14 THE COURT: Thank you. Please be seated. All
15 right.

16 MR. EDGEWORTH: Your Honor, just a few extra
17 moments, because my client was delayed in the ability to go
18 to the restroom due to all the people from the gallery being
19 outside.

20 THE COURT: I understand.

21 (WHEREUPON, there was a brief pause.)

22 THE COURT: All right. Solicitor, are we ready to
23 proceed?

24 MR. HAZZARD: Your Honor, as a housekeeping
25 matter.

1 THE COURT: Yes, sir.

2 MR. HAZZARD: I simply want to state for the
3 record, I indicated the basic grounds for my objections when
4 we were reviewing the photographs.

5 THE COURT: Yes, sir.

6 MR. HAZZARD: I want the record to be clear that
7 when I say, "The due process rights of my client to a fair
8 trial to the State and Federal Constitution," I'm referring
9 to his rights under the Fifth and Fourteenth Amendments to
10 the United States Constitution, and Article 1, Section 3, of
11 the South Carolina Constitution.

12 THE COURT: Yes, sir. Thank you.

13 MR. HAZZARD: Yes, sir.

14 THE COURT: Mr. Voigt?

15 MR. VOIGT: I would, of course, join in that, Your
16 Honor.

17 THE COURT: Mr. Edgeworth?

18 MR. EDGEWORTH: I would join in that, as well,
19 Your Honor.

20 THE COURT: All right. That sounds great.

21 Solicitor, are we ready?

22 MS. RICHARDSON: Yes, Your Honor.

23 THE COURT: All right. Great. Is the Defense
24 ready to bring the jury in?

25 MR. HAZZARD: Yes, sir.

1 MR. VOIGT: Yes, sir.

2 MR. EDGEWORTH: Yes, sir.

3 THE COURT: All right. Let's get the jury in
4 here.

5 (WHEREUPON, the jury entered the courtroom at
6 10:34 a.m.)

7 THE COURT: Good morning, folks.

8 We received your note, and, in fact, your note was
9 something that I was anticipating would probably come to
10 light later this afternoon as it relates to that, but you
11 beat me to it, and that's fine.

12 I do believe that this case will -- we won't be
13 able to complete it this week. I want you to know it is not
14 because we are not working and there are just certain
15 matters that have to be taken up with and dealt with outside
16 of your presence. And please do not hold any delay, if you
17 want to hold it against anybody hold it against me, not the
18 State, not the Defense. These folks are working hard, I
19 promise you.

20 That having been said, we're going to continue
21 with the State's case. And I believe, Solicitor, you are
22 ready proceed with your next witness; is that correct?

23 MS. RICHARDSON: Yes, Your Honor.

24 THE COURT: All right, ladies and gentlemen, thank
25 you again.

PERRY COLLINS - DIRECT BY MS. RICHARDSON

1 Solicitor?

2 MS. RICHARDSON: The State calls Perry Collins.

3 THE COURT: Watch your step. Thank you.

4 PERRY ROBINSON COLLINS, having been duly
5 sworn, testified as follows:

6 THE COURT: Come on right around here Mr. Collins.
7 And, Mr. Collins, if you would, unfortunately that
8 microphone, you got to be right up on it.

9 THE WITNESS: Okay.

10 THE COURT: But, please, go right ahead, sir, and
11 state your name, sir.

12 THE WITNESS: Oh, okay. Perry Robinson Collins.

13 THE COURT: Your witness, Solicitor.

14 MS. RICHARDSON: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MS. RICHARDSON:

17 Q. Good morning, Mr. Collins.

18 A. Good morning.

19 Q. Can you tell us where you live?

20 A. I live at 25 -- 50 -- I've never done this before.
21 2055 Colonel Cole Drive.

22 Q. And that's here in Georgetown County?

23 A. Yes, ma'am.

24 Q. And is that on the Black River?

25 A. It is.

PERRY COLLINS - DIRECT BY MS. RICHARDSON

1 Q. Okay. And can you kind of generally just describe
2 to us where that is?

3 A. Yes, ma'am. If you're coming out 701, you'll turn
4 left at Francis Marion Store on 51. About four miles out on
5 the right, after you cross Six-Mile Creek, there's a road,
6 Colonel Cole Drive that you go down, it's a dirt road. It's
7 three miles long and then you turn left and go in my
8 driveway which is a mile to the river.

9 Q. Okay. And how long have you lived out there?

10 A. Since '97. I've owned the property since '88.

11 Q. And on March 11, 2018 -- I mean, 2017, did you
12 call 911?

13 A. I did.

14 Q. And tell me what happened and why you did that.

15 A. I was out in the yard working, just picking up
16 limbs and cutting grass and raking, working in my flower
17 beds, and I live on a 30-foot bluff, and I looked down and
18 saw a body floating. The tide was ebb, so it was stationary
19 just sitting there.

20 Q. Okay. And so you called the authorities?

21 A. Yes, ma'am.

22 Q. Okay. And what happened then?

23 A. They kept me on the phone and told me to watch the
24 body. And, of course, the tide was ebb, so it was still.
25 And then it started going out, and the body started moving.

PERRY COLLINS - DIRECT BY MS. RICHARDSON

1 And they said you got to stay with the body, stay with the
2 body. I didn't have a boat on my dock or anything.

3 There's three miles of woods between me and the
4 next -- next area, so, Ramsey Road, I just told them there's
5 just no way I can stay with it. And they said, You got to.
6 By God's grace he hung on a limb. And they were able to
7 come tape off the crime scene and do their investigation.

8 Q. Okay. And had the police been out there looking
9 for the body before that?

10 A. Not to my knowledge.

11 Q. Okay. All right. Let me mark these.

12 (WHEREUPON, State's Exhibits 33, 34, 35, 36 37,
13 38, and 40, were marked.)

14 BY MS. RICHARDSON:

15 Q. All right. Let me show you what's been marked for
16 identification as State's 33, 34, and 35.

17 A. Okay.

18 Q. And what are those photos of?

19 A. This one's of the body of the man that was in the
20 river. His hands were bound, feet were bound, and was
21 looked like to be in his underwear.

22 Q. And is that from the area where you first saw the
23 body?

24 A. No, actually it was up a little further.

25 Q. Okay.

PERRY COLLINS - DIRECT BY MS. RICHARDSON

1 A. Closer to my dock.

2 Q. All right. And the second picture?

3 A. That's a picture of DNR, after I had already
4 called the police. DNR came out along with all of the
5 Sheriff's Department.

6 Q. All right. And this one, let me show you, 34, is
7 that your property?

8 A. Yes, ma'am.

9 Q. Okay. And is that out where you were working?

10 A. Yeah, in that area. I was in my backyard on the
11 river side. That other picture illustrates what I was doing
12 better. The one -- yeah, see I live on a 30-foot bank and I
13 was throwing tree limbs and things out of my yard down the
14 bank to keep it from eroding.

15 Q. Okay. Is this an accurate reflection of the way
16 that you saw things when you called 911 in your yard?

17 A. Yes.

18 MS. RICHARDSON: At this time the State would
19 offer, 33, 34 and 35 into evidence.

20 THE COURT: Mr. Hazzard, any objection?

21 MR. HAZZARD: If I could briefly see which photos
22 they are, Your Honor.

23 THE COURT: Yes, sir.

24 MR. HAZZARD: No objection, Your Honor.

25 MS. RICHARDSON: Your Honor, I seek to publish

PERRY COLLINS - DIRECT BY MS. RICHARDSON

1 these to the jury.

2 THE COURT: Hold on. Mr. Voigt?

3 MR. VOIGT: No objection. Your Honor.

4 MS. RICHARDSON: Oh, I forget, sorry.

5 THE COURT: That's all right. And Mr. Edgeworth?

6 MR. EDGEWORTH: No objection, Your Honor.

7 THE COURT: All right. Yes, you can publish they
8 are admitted without objection and you can publish those
9 photographs to the jury.

10 (WHEREUPON, State's Exhibits 33, 34, and 35 were
11 moved into evidence. Published to the jury.)

12 MS. RICHARDSON: Your Honor, We're going to
13 publish those digitally.

14 THE COURT: Yes, ma'am.

15 BY MS. RICHARDSON:

16 Q. But while we're waiting for the TV to be brought
17 out, tell me about the tides and the -- you've been living
18 there, you said, since about '88?

19 A. I've owned it since '88. Lived there since '97.

20 Q. Okay. And you're familiar with the tides and the
21 way the river flows in that area?

22 A. Very familiar.

23 Q. Okay. Can you tell me about the current in that
24 area?

25 A. Yeah. It's pretty strong. There's about a

PERRY COLLINS - DIRECT BY MS. RICHARDSON

1 three-foot tide variation in the rise and the fall. So
2 water moves pretty quickly.

3 Q. Okay.

4 MS. RICHARDSON: Can we turn the monitors on?

5 THE CLERK: Uh-huh.

6 THE COURT: Sir, can you see that? If not, you
7 can look at the monitor to your left.

8 THE WITNESS: Okay. Yeah, I can see it.

9 BY MS. RICHARDSON:

10 Q. And so this is the area of the brush you were
11 talking about?

12 A. Yes, ma'am.

13 Q. And, again, just where DNR was out, and that's
14 after the body had been hung up, on you said, a limb?

15 A. Yeah.

16 Q. Okay.

17 A. On a submerged pine tree.

18 Q. Okay.

19 A. That had fallen from the bank.

20 Q. And that's just the area of your yard?

21 A. That's a picture of a flower bed that I have.

22 Q. Okay. And behind that that's where you said the
23 30-foot bluff is?

24 A. Yeah, when you're looking at DNR, yes, ma'am.

25 Q. All right. I have no further questions. Answer

PERRY COLLINS - CROSS BY MR. VOIGT

1 any questions that other attorneys may have for you.

2 THE COURT: Mr. Hazzard?

3 MR. HAZZARD: I have no questions, Your Honor.

4 THE COURT: Mr. Voigt?

5 CROSS-EXAMINATION

6 BY MR. VOIGT:

7 Q. Mr. Collins, how many, if you know, how far is it
8 from where you are on Colonel Cole to here?

9 A. It's about, by boat, you're, I guess --

10 Q. No.

11 A. Oh, miles?

12 Q. Yeah.

13 A. Oh, it's eight miles.

14 Q. Eight miles?

15 A. Yes, sir.

16 Q. Thank you, sir.

17 THE COURT: Mr. Edgeworth?

18 MR. EDGEWORTH: No questions for this witness,
19 Your Honor.

20 THE COURT: All right. Any redirect?

21 MS. RICHARDSON: No, Your Honor.

22 THE COURT: Sir, thank you so much for coming in
23 and you're excused. Okay?

24 THE WITNESS: All right.

25 MS. RICHARDSON: State calls -- sorry, Your Honor.

ALBERT KOHUT - DIRECT BY MS. RICHARDSON

1 THE COURT: That's all right. I was just going to
2 give him a little head start, so he can clean up right
3 there.

4 Yes, ma'am. Who do you want call next?

5 MS. RICHARDSON: Your Honor, the State calls A.J.
6 Kohut.

7 THE COURT: All right. Thank you, Solicitor.

8 ALBERT J. KOHUT, having been duly sworn,
9 testified as follows:

10 THE WITNESS: Albert J. Kohut, Sergeant with the
11 Georgetown County Sheriff's Office. Last name, K-O-H-U-T.

12 DIRECT EXAMINATION

13 BY MS. RICHARDSON:

14 Q. Officer Kohut, can you give me your educational
15 background?

16 A. High school graduate. I'm in my 27th year of law
17 enforcement.

18 Q. And have you some training, law enforcement
19 training?

20 A. Yes, ma'am. Several different types of training.
21 At the time of this incident I was in criminal
22 investigations. I had gone to several detective
23 investigator classes, evidence classes.

24 Q. And on March 11, 2017 -- and you said you're with
25 the Sheriff's Office, not the Police Department, correct?

ALBERT KOHUT - DIRECT BY MS. RICHARDSON

1 A. The Sheriff's Office, yes, ma'am.

2 Q. That services the entire county?

3 A. Yes, ma'am.

4 Q. All right. And On March 11, 2017, were you
5 working at the Sheriff's Office?

6 A. Yes, ma'am, I was.

7 Q. And what your position at that time?

8 A. I was working in criminal investigations unit and
9 I was the on-call investigator for that day.

10 Q. Okay. And did you get a call to go in?

11 A. Yes, ma'am, I did.

12 Q. Okay. And tell me what was the nature of that.

13 A. I was called at approximately 1:22 in the
14 afternoon to head out to an address Colonel Cole Road for a
15 possible body in the -- floating in the river.

16 Q. Okay. And that's when you were called out?

17 A. Yes, ma'am.

18 Q. Was at 1:22?

19 A. Approximately 1:22, yes, ma'am.

20 Q. And do you know if the initial call came in
21 earlier?

22 A. Later on I learned that, yeah, they had been
23 dispatched -- other units had been dispatched out here.

24 Q. Okay. And do you know that time the initial
25 dispatch was?

ALBERT KOHUT - DIRECT BY MS. RICHARDSON

1 A. No, I do not, ma'am.

2 Q. Would anything reflect -- would it refresh your
3 recollection to look at your report?

4 A. It may, I don't know if I have what time the
5 original dispatch was on here. If you give me a second.

6 According to my report the original dispatch was
7 approximately 12:15 p.m. on the same date.

8 Q. So just after noon, and you arrived an hour --

9 A. About an hour and change after the original
10 dispatch.

11 Q. Okay. And when you arrive what did you find?

12 A. I got to the scene, the deceased was in the water
13 of the river. From the way the property was designed --
14 well, I shouldn't say designed -- the way the property was,
15 it was kind of a high embankment, so you could actually look
16 down to the edge of the water.

17 So, from that point, I'm looking down onto the
18 river, took several photographs from that, what I would call
19 a bird's eye view, looking down on to where the deceased
20 was.

21 Q. Okay. And after that, what did you? Well, tell
22 me what you saw first.

23 A. Okay. I saw what appeared to be a body hung up
24 possibly on a log, ballpark about 20 feet from the edge of
25 the land. So I photographed from the top of the ridge down

ALBERT KOHUT - DIRECT BY MS. RICHARDSON

1 to the water, distant shots, close-up shots.

2 Q. Let me show what's -- first of all, let me mark
3 this.

4 (WHEREUPON, State's Exhibit 41 was marked.)

5 BY MS. RICHARDSON:

6 Q. All right. Let me show you what's been marked as
7 State's 41, do you recognize that?

8 A. Yes, ma'am.

9 Q. And tell what that is?

10 A. That is a copy of the photographs that I took
11 while on scene, it was also signed by myself.

12 Q. Okay. And that was an accurate reflection of all
13 the photos you took?

14 A. Yes, ma'am.

15 Q. And you took numerous --

16 A. Yes, ma'am.

17 Q. -- that day? Okay.

18 And you understand that not all of those photos
19 we'll be able -- we'll show today?

20 A. Yes, ma'am.

21 Q. But that we'll be just showing a portion of those
22 photos, you understand that?

23 A. Yes, ma'am.

24 Q. Okay. Let me show you -- did I already hand you
25 some?

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1 A. No, I have no photos, ma'am.

2 Q. All right. If I could show you what's previously
3 been marked as...

4 MS. RICHARDSON: Your Honor, at this time the
5 State would seek to admit a CD showing the photos that have
6 been approved after our conference this morning into
7 evidence as a portion of the photos that were taken on
8 State's Exhibit for Identification Only Number 41.

9 THE COURT: All right. Mr. Hazzard?

10 MR. HAZZARD: Your Honor, may we approach?

11 THE COURT: Yes, sir. Come on up.

12 (WHEREUPON, the following discussion was held at
13 the bench.)

14 MS. RICHARDSON: I don't know where they just
15 went.

16 MR. HAZZARD: The witness didn't take them with
17 him, did he?

18 MS. RICHARDSON: That's what I'm asking him, I
19 think he might have taken them.

20 MR. EDGEWORTH: No, he was empty handed.

21 MS. RICHARDSON: I don't know that happened to
22 them.

23 MR. HAZZARD: Okay. What's on this disk?

24 MS. RICHARDSON: It's the same what, what I'm
25 seeking to do is admit the paper copies and the CD so that

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1 we can display them digitally, we'll have an accurate
2 reflection of what was displayed digitally.

3 MR. HAZZARD: And my concern is there anything on
4 that disc that hasn't been approved by the Court?

5 MS. RICHARDSON: No. These were removed from
6 after the Court's approval and it's to display them
7 digitally.

8 MR. HAZZARD: As long as there isn't anything on
9 there that the court hasn't approved I have no problem with
10 that.

11 THE COURT: Have we found them?

12 MS. RICHARDSON: We have.

13 THE COURT: So that's now moot. All right, great.

14 (WHEREUPON, the bench conference ended.)

15 All right. Ladies and gentlemen, I think we found
16 them.

17 MS. RICHARDSON: We did. All right.

18 BY MS. RICHARDSON:

19 Q. Let me show you what's been marked as State's 33,
20 34, and 35 and I'm going to go ahead and pre-mark the rest
21 of these as well. And do you recognize those first three
22 photos?

23 A. Yes, ma'am.

24 Q. And tell us what they are.

25 A. All right. This is from the ridge above the

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1 river. I took two photos of the deceased from different
2 angles. And then stepped back from where I took those
3 photos to give a perspective of where I was standing when I
4 took those photos.

5 Q. Okay.

6 THE COURT: And, again, Mr. Hazzard and
7 Mr. Edgeworth, if y'all need to move, feel free to move
8 about the courtroom, so that you can properly see.

9 All right, sir?

10 BY MS. RICHARDSON:

11 Q. So this is -- what I'm showing you now is a
12 digital display of State's Number 33. Now, tell the jury
13 about that.

14 A. Okay. So using that palm tree as reference,
15 that's a ridge above the river. If you were to go forward
16 and look down, it drops down sharply, so it's not a slope
17 where I could walk down and get close. So I'm at the top of
18 the ridge looking down to where the deceased was located.

19 Q. Okay. And based on the location of the body, what
20 decisions did you make regarding recovery?

21 A. We were going to need to use a boat to go out into
22 the river and actually recover the body.

23 Q. Because it was too steep just to walk down?

24 A. Too steep to walk down and access to that point by
25 foot would not be possible. Like I said, I estimated about

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1 20 feet from the shoreline, with the debris in there and
2 really not having an idea of the exact depth is at that
3 point, I felt it was safe and more prudent to use a boat.

4 Q. Okay. If we could just play 1466, State's 34.

5 Let me just go ahead and do this: Would you also
6 look at State's 36, 37, 38 and 40?

7 A. Okay.

8 Q. And are those copies of the photos that you took?

9 A. Yes, ma'am.

10 Q. And is that an accurate reflection of those photos
11 that you took?

12 A. Yes, ma'am.

13 Q. That you previously reviewed?

14 A. Yes, ma'am.

15 MS. RICHARDSON: Your Honor, at this I'd offer
16 these exhibits into evidence.

17 THE COURT: All right. Let Defense Counsel take a
18 look at those.

19 MS. RICHARDSON: It's 36, the numbers are on the
20 back 1459, 37; 1160, 38; 1467, and 1481 is Exhibit 40.
21 Okay.

22 THE COURT: Any objection, Gentlemen?
23 Mr. Hazzard?

24 MR. HAZZARD: No, sir.

25 THE COURT: Mr. Voigt?

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1 MR. VOIGT: I had only objected to State's 7, Your
2 Honor, I'll just renew that objection.

3 THE COURT: All right.

4 MR. VOIGT: I'm sorry. Did I say State's 7 --
5 State's 40.

6 THE COURT: All right. And Mr. Edgeworth?

7 MR. EDGEWORTH: No objection, Your Honor.

8 THE COURT: Thank you.

9 MS. RICHARDSON: Your Honor, at this time I'd move
10 these into evidence and seek to publish them to the jury
11 during his testimony.

12 THE COURT: All right admitted without objection,
13 but for Mr. Voigt's.

14 MR. VOIGT: Just State's 40.

15 THE COURT: Just State's 40?

16 MR. VOIGT: The other ones are without objection.

17 THE COURT: All right. Thank you.

18 And you may publish, Solicitor.

19 (WHEREUPON, State's Exhibits 36, 37, 38, and 40
20 was moved into evidence. Published to the jury.)

21 MS. RICHARDSON: Okay. I'm just going to publish
22 them during the course of his testimony. I just wanted to
23 go ahead and get them up there.

24 THE COURT: That's fine.

25

ALBERT KOHUT - DIRECT BY MS. RICHARDSON

1 BY MS. RICHARDSON:

2 Q. All right. So I don't know if I asked you this,
3 but was the body moving at that time?

4 A. No, ma'am. It appeared to be hung up on a log
5 from that perspective there. Yes, it was stationary and
6 hung up on a log.

7 Q. Okay. And tell me what you did to recover the
8 body.

9 A. At that point we had a boat brought from the
10 Sheriff's Office. Two other deputies went and picked the
11 boat up and brought it to the location. We brought the boat
12 down to the edge of the water. I would estimate maybe 30 to
13 40 yards from that location. It wasn't really like a boat
14 landing, it's more like where the property slopes down and a
15 dirt road kind of runs to the edge of the water. So it
16 wasn't like an official boat landing. I don't know if I'm
17 making sense on that.

18 We put the boat in the water, or they put the boat
19 in the water, and met me there. We then went down to the
20 scene to where the deceased was located.

21 Q. Okay. And did you photograph the body before it
22 was moved?

23 A. Yes, ma'am. Once I got closer, I took photos of
24 the body at the actual retrieval location.

25 Q. Okay. And if we could show 1459, this is State's

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1 36. Okay. And tell me -- just describe this photo and what
2 it shows.

3 A. That photo was taken from the top of the ridge
4 using a zoom, zooming down to get a closer view from the
5 previous picture from the top which was set back from the
6 ridge.

7 Q. Okay. So that shows the body before it was moved
8 or manipulated at all?

9 A. Yes, ma'am. We hadn't even put our boat in the
10 water at that point.

11 Q. Okay. And obviously you noticed that the hands
12 were bound?

13 A. It appeared that they were. The clothing was
14 pushed up over the hands and down to the lower extremities.

15 Q. Okay. And tell me how you decided to get the boat
16 back -- I mean, get the body back to shore.

17 A. Once we got out to the scene, again, I
18 photographed it before we did anything. And then took a
19 water sample. There was at least a -- actually, I used a
20 boat hook -- two boat hooks and I secured it to what
21 appeared to be sweatpants that were down by the ankles.

22 First, we had to un-secure him from the debris
23 that he was caught on, which I believe it was a log. And
24 then, at that point, the gentleman driving the boat, I just
25 told him to proceed as slow as possible back to the area

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1 where he had picked me up at the end of that little dirt
2 road, and we got closer to the shoreline at that point.

3 Q. Okay. And when -- and you participated in
4 unhooking the body or at least observed it?

5 A. Oh, I was the one who used the boat hook to grab
6 the -- lowered -- like I said, the pants had gone down to
7 the ankles, basically, used that to retrieve it from the
8 log. And then that's where I hung onto him as we came back
9 down to the transfer point.

10 Q. Okay. And in your efforts to unhook the body from
11 the log and to transport it, did you take care not to hit
12 any of the flesh?

13 A. Yes, ma'am. I made very special care not to.

14 Q. And so let me -- we're going to show State's 38,
15 which is Photo 1467. And tell us about that.

16 A. Okay. So that's -- he -- the body has now
17 basically been secured from what it was lodged on, which,
18 again, was a log. That, if you look at the bottom of the
19 screen, that silver looking pole going out is the boat hook,
20 the boat pole, it's basically a long silver rod and it has a
21 hook on the end of it. The hook is going down into where
22 the pants are. And we're working backwards now towards
23 where we're going to -- well, actually we're backing out and
24 then going to work back towards where we originally -- where
25 they originally picked me up on the shoreline.

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1 Q. Okay. And so did you hook the hook on the
2 bindings or the clothing?

3 A. Probably a combination. The clothing was on top
4 of it and in the water, I don't want to fumble with it too
5 much. Again, you don't want to cause any damage to the
6 deceased. So once I felt I had a firm grip on the clothing
7 line, using another boat hook to secure it as well, so I
8 actually had a -- there's not a picture of the second hook
9 because my hands were full at that point.

10 And then we're just basically holding on trying
11 very slowly to work our way back to where we could bring him
12 to land.

13 Q. Okay. So you actually pulled him to the landing?

14 A. Yes, ma'am.

15 Q. All right. And once you got him to the landing,
16 how did you get him prepared for transport?

17 A. Once we got him to the edge of the water where he
18 was -- where we were able to maneuver a little bit safer, we
19 had EMS there, they brought in a backboard and I think it's
20 called a Stokes basket, like a portable basket to put the
21 board in, he was secured to that. And then, basically,
22 lifted up on to dry land.

23 Q. Okay. And let me show you State's 37, Photo 1460,
24 and tell us what that is a picture of.

25 A. That's a picture of his hands above his head with

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1 the shirt wrapped around it. You can see some debris in
2 there, it looks like pine straw debris, and there's also
3 some like speaker wire, wiring, mixed in there tying the
4 wrists together.

5 Q. Okay. And then if we could -- and did you take
6 efforts not to manipulate any of the evidence?

7 A. Yes, ma'am. As best as possible. Like I said,
8 the boat hook was used towards the lower extremities, but I
9 did my best not to do any damage to him as he lay other than
10 to use them as something to grip onto to get him back to
11 shore.

12 Q. Okay. And let me show you what's been marked as
13 State's 40, Photo 1481. And tell me about this.

14 A. Okay. When we got him on shore, that white piece
15 of, I guess, I don't know what you call it vinyl, plastic,
16 that's a body bag.

17 Q. Uh-huh.

18 A. So once we secured him out of the water, we
19 quickly layed him onto the body bag. Again, with the
20 thought of preserving any evidence that may be on him and to
21 transport. Once you seal it up, it has handles on it, it
22 makes it easier for you to lift and maneuver causing the
23 least amount of damage.

24 Q. Okay. And the defects that we see on the body,
25 did your recovery efforts cause any of those?

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1 A. No, ma'am.

2 Q. And is that an accurate reflection of how he was
3 when you -- without any manipulation?

4 A. Yes, ma'am.

5 Q. Okay. All right. So once you had him on the
6 shore and you said EMS came?

7 A. Uh-huh.

8 Q. Who else responded? Let me ask you, the coroner?

9 A. Yeah, the coroner was there, another investigator
10 was there.

11 Q. Okay. And at that point what did you do?

12 A. At that point, you know, take some more photos.
13 Now that you had, you know, up close to it and safely
14 without damaging anything. Took several more photos from
15 top to bottom, bottom to top. Different angles, different
16 sides.

17 Q. Okay. We're not going to show those photos, but
18 can you describe to the jury what you saw as far as the
19 condition of the body?

20 A. The body was in a very advanced state of
21 decomposition. There was a lot of discoloration. There was
22 degloving of the skin, specifically on the hands, on parts
23 of the exposed flesh. There was some -- there's a small
24 wound on the left side of the ribcage. There's a larger
25 wound on the right side of the abdomen area. The hands were

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1 bound with speaker wire up over the head. I think I
2 actually even put in my report, if I could look at it, the
3 left hand was over the right hand. And I saw what looked to
4 be a laceration across the entire right palm of the victim.

5 Q. Okay. And did you manipulate the bindings at all?

6 A. No, ma'am.

7 Q. And could you tell the race and gender of the
8 decedent?

9 A. No, ma'am. Very difficult to tell.

10 Q. Well, as far as gender, you could tell that?

11 A. I could tell -- yeah, I could tell it was a male.
12 The chest was exposed, so I could see that there was no
13 breasts. And the underwear, although still in place, you
14 could determine that it was a male.

15 Q. Okay. But by the condition of the face could you
16 make any identification?

17 A. No, ma'am.

18 Q. And after the remains were removed, what did you
19 do at that point?

20 A. At that point DNR had a boat in the water. I had
21 them basically canvass the area in the river just in case
22 there was any more evidence that may have been recovered.
23 Also just, you know, go up river and down it for them just
24 to see if there are any locations that might need to be
25 further explored for evidence, but we had no success.

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1 Q. So you didn't find any other pieces of evidence in
2 the water?

3 A. No, ma'am.

4 Q. And did you also go in different directions of the
5 river --

6 A. Yes, ma'am.

7 Q. -- to look for --

8 A. Yeah, we went to --

9 Q. And what were you looking for at that point?

10 A. You're looking for, again, any other evidence. It
11 could be something as simple as clothing or something like
12 that. You're also looking for points where possibly the
13 deceased could have been placed in the water. Just looking
14 for locations that might be appropriate, or I should say
15 fitting, to put a person in the water. That way you can go
16 back later on dry land and actually explore those areas and,
17 again, look for any possible evidence that indicates where
18 the body was dumped in the water or other evidence that may
19 have been left behind during the process.

20 Q. And what areas did you look for possible...

21 A. We -- I'll have to go back in here again -- we
22 checked the Riverview Club, which the IP Canal Road off of
23 Highway 51, and we checked the Dunbar Bridge. Again, we
24 didn't have much success in locating anything that appeared
25 to be even slightly related to the body being placed in the

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1 water in those locations or any evidence or anything like
2 that.

3 Q. So is the Dunbar Bridge also referred to as the
4 Brown's Ferry Bridge?

5 A. Yes, ma'am.

6 Q. Okay. And that's up near Brown's Ferry
7 Elementary, that area?

8 A. Yes, ma'am.

9 Q. Okay. But you didn't find anything on land?

10 A. No, ma'am.

11 Q. Okay. And after the body was secured in the body
12 bag who was it released to?

13 A. To the coroner.

14 Q. Okay. It was sealed in the body bag?

15 A. Yes, ma'am.

16 Q. And did you take any evidence from the body
17 itself?

18 A. No, ma'am.

19 Q. All right. I have no further questions. Answer
20 any questions that the defense attorneys may have for you?

21 A. Yes, ma'am.

22 THE COURT: Mr. Hazzard?

23 MR. HAZZARD: I have no questions, Your Honor.

24 THE COURT: Mr. Voigt?

25 MR. VOIGT: No questions, Your Honor.

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1 THE COURT: Mr. Edgeworth?

2 MR. EDGEWORTH: No questions, Your Honor.

3 THE COURT: All right. Thank you very much, sir.
4 You're excused. Appreciate it.

5 MS. RICHARDSON: The State calls Meyan Thomas to
6 the stand.

7 MEYAN THOMAS, having been duly sworn,
8 testified as follows:

9 THE COURT: Ms. Thomas, for the purposes of your
10 testimony, could you please remove your mask? It makes it
11 easier for everyone to hear you and also the Court Reporter
12 as it relates also so she can see your mouth moving. Thank
13 you.

14 THE WITNESS: Okay. My name is Meyan Thomas.

15 DIRECT EXAMINATION

16 BY MS. RICHARDSON:

17 Q. Ms. Thomas, where are you from?

18 A. Georgetown.

19 Q. And how long have you lived in Georgetown?

20 A. All my life.

21 Q. And do you have children?

22 A. Yes.

23 Q. How many children do you have?

24 A. Three.

25 Q. And do you work?

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1 A. Yes.

2 Q. And what do you do?

3 A. I work at a coffee shop in DeBordieu.

4 Q. Okay. Do you know or did you know Leon Harrison
5 Jr.?

6 A. Yes. He's my cousin.

7 Q. And how did you know him?

8 A. He was my cousin.

9 Q. And how were you related?

10 A. My mom and his mom was family.

11 Q. His mother, his deceased mother?

12 A. Yes, ma'am.

13 Q. And what did you -- did you have a nickname for
14 him?

15 A. JR.

16 Q. JR?

17 A. Uh-huh.

18 Q. And what about the defendants, do you know any of
19 them?

20 A. Yes, ma'am.

21 Q. Which of them do you know?

22 A. Tiesh and her brother Alex.

23 Q. So Tiesh Rhue and Alex Rhue Jr.?

24 A. Yes.

25 Q. Okay. And do you know the father, Alex Rhue Sr.?

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1 A. No.

2 Q. And tell me what your relationship and how you know
3 Alex Rhue Jr. and Tiesh Rhue?

4 A. I met them through JR. They used to live across
5 the street from me.

6 Q. Okay. How long have you known them?

7 A. Say five years, something around that time.

8 Q. And how would you describe your relationship with
9 Tiesh?

10 A. I just know that was JR wife. I really didn't
11 know too much about her.

12 Q. Didn't spend a lot of time with her?

13 A. We went out one time, yeah.

14 Q. And what about Alex Rhue Jr., what's your
15 relationship with him?

16 A. He was -- he became a friend of mine.

17 Q. And how long were you friends?

18 A. A couple of years, two or three years, something
19 like that.

20 Q. And how close was your relationship?

21 A. I used to call him my best friend.

22 Q. And explain what sort of things you did together
23 and what your interactions were.

24 A. We used to just hang out at my house. And, you
25 know, like smoke and drink and, you know, just watch TV

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1 stuff like that, just chill.

2 Q. Okay. And did you become aware that JR was
3 missing?

4 A. Not until like a week into it. Like I wasn't sure
5 of the date. I found out that he was missing, but I didn't
6 know the exact date.

7 Q. Okay. Had you heard he was missing before his
8 body was found?

9 A. Yes.

10 Q. Okay. And were there any efforts to look for him
11 at that point?

12 A. Called around and went to his father's house,
13 things like that.

14 Q. And you were aware when the police -- or when he
15 was reported missing to the police? You found out he'd been
16 reported missing to the police?

17 A. Yes.

18 Q. And there were Facebook postings and that sort of
19 thing?

20 A. Yes.

21 Q. Okay. And after you found out he had been
22 reported missing to the police, and that people were looking
23 for him, did you become concerned?

24 A. Of course.

25 Q. And did you go and talk with the police on March

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1 10, 2017?

2 A. Yes.

3 Q. And at that time his body had not been found?

4 A. No.

5 Q. And had you observed the relationship between
6 Alex -- Alex Jr. and JR?

7 A. I'm sorry, say that again.

8 Q. Had you seen or know anything about the
9 relationship between those two?

10 A. Yes.

11 Q. Tell me what their relationship was.

12 A. They really didn't get along much. And it was
13 mainly because, you know, Alex being Tiesh brother that he
14 always had a problem with JR. Any time that Tiesh and JR
15 got into it, he just felt like he had to be involved, that
16 being his sister.

17 Q. And he would discuss that with you?

18 A. He would say certain things, but I'd cut him off
19 because I'd be like -- at the end of the day JR is my
20 cousin, and I'm not going to sit there and let you talk down
21 on him. But he would say things like he can't stand him,
22 and he's just wished his sister never married him, and
23 things like that.

24 Q. And did he talk to you about any specific problems
25 or reason that he didn't like JR?

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1 A. I'm sorry?

2 Q. Did he talk to you about any specific problems or
3 reasons why he didn't want him to be married to his sister
4 and why he didn't like him?

5 A. He just said that they wasn't for each other,
6 like, they just argue a lot and he didn't really get into
7 details. But I'm pretty sure, like, all three of them
8 living together there was more than what he was telling me.
9 He just didn't really come out and say exactly what it was.
10 He just, like, wished they didn't marry each other.

11 Q. Okay. So tell me why you went and talked with the
12 police on March 10th before he was found.

13 A. Actually, they came and get me. I was reaching
14 out to Gregory, because that's normally, like, the person
15 that I talk to, but actually --

16 Q. And when you say "Gregory," that Sergeant Gregory
17 with the Georgetown Police Department?

18 A. Yes. But he wasn't working that day. So whatever
19 officers came to me and picked me up and brought me down to
20 the station.

21 Q. And did you tell them about some interactions you
22 had had regarding this case?

23 A. As far as what I knew between JR and Alex --

24 Q. Yes.

25 A. -- how they was always in disagreements? Yes.

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1 Q. And before you went to the police department had
2 you learned how long JR had been missing?

3 A. I found out that it was the 25th of February.

4 Q. And what did that mean --

5 A. I didn't talk to the officer until the 10th of
6 March, but I didn't find out until, like, either that day or
7 the day before. I didn't know that JR was missing that
8 long.

9 Q. Okay. So the same week that you talked to the
10 police is the week you found out he was missing?

11 A. Right.

12 Q. Okay. And you learned that he had been missing
13 since February 25?

14 A. Right.

15 Q. Okay. And why was that significant to you?

16 A. Because, I mean, I normally talk to JR if it's
17 not, like, a daily base. We always reach out to each other.
18 And it didn't ever dawn on me, like, I haven't heard from
19 him.

20 Q. Okay. And did the timeframe of February 25, did
21 you have any interactions with Alex Rhue Jr.?

22 A. I don't think I did.

23 Q. Okay. Did he contact you at all during that
24 period of time?

25 A. I did get a text message from him 3:00 o'clock,

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1 the 26th, that morning.

2 Q. Okay. And what was that text message?

3 A. Saying that he was going to D.C., he had some
4 issues that he had to deal with, that he was catching a bus
5 to D.C.

6 Q. Okay. And did you have your phone with you when
7 you were talking to the police?

8 A. Yes, ma'am, I did.

9 Q. And did you show him those text messages?

10 A. I sure did.

11 Q. Okay. And did you also give them your phone to
12 process?

13 A. Yes, ma'am. Anything I needed to do, I did for
14 them.

15 (WHEREUPON, State's Exhibit Number 42 was marked.)

16 BY MS. RICHARDSON:

17 Q. Okay. And let me show you what's been marked as
18 State's 42. And can you identify that?

19 A. Yes. This is the text messages between me and
20 Alex.

21 Q. Okay. And is that an accurate reflection of what
22 you saw and what you provided to the police?

23 A. Yes, it is.

24 MS. RICHARDSON: Your Honor, at this time I'd move
25 State's 42 into evidence.

MEYAN THOMAS - DIRECT BY MS. RICHARDSON

1 THE COURT: Mr. Hazzard, any objection?

2 MR. HAZZARD: I have no objection.

3 THE COURT: Mr. Voigt?

4 MR. VOIGT: No objection.

5 THE COURT: Mr. Edgeworth?

6 MR. EDGEWORTH: No objection, Your Honor.

7 THE COURT: All right. It's admitted without
8 objection, Solicitor. Thank you.

9 (WHEREUPON, State's Exhibit Number 42 was moved
10 into evidence.)

11 BY MS. RICHARDSON:

12 Q. And could you tell the jury what time you received
13 the text messages?

14 A. At 3:05 a.m. on February 26, 2017.

15 Q. All right. And this also shows how he was
16 programmed in your phone. He was programmed in your
17 contacts?

18 A. As best friend, yes.

19 Q. Okay. And what telephone was with that?

20 A. (202)309-8145.

21 Q. Okay. And did you often communicate with Alex
22 Rhue Jr. at that number?

23 A. Yes. But he also had two different phones, but
24 this was the main one.

25 Q. Okay. And that's the one he text you off that

MEYAN THOMAS - DIRECT BY MS. RICHARDSON

1 night?

2 A. Yes.

3 Q. And did you see that at 3:00 the morning?

4 A. No, ma'am.

5 Q. Okay.

6 A. I was asleep.

7 Q. All right. When did you see it?

8 A. When I responded it was 5:24 a.m.

9 Q. Okay. And could you read the text message that he
10 sent to you?

11 A. Sure. It said, Boo, I'm in D.C., had a family
12 emergency, ASAP, had to catch the Greyhound up here. I'll
13 explain more later. Love you, Queen. I'm sorry. I'll hit
14 you tomorrow. Shit is real crazy right now. Love you.

15 Q. And were you surprised to see that message?

16 A. Yes. But I was also tired, so when I read it
17 early in the morning, I just sent K, and went back to sleep.

18 Q. Okay. And when did that -- and did that concern
19 you that night?

20 A. Of course, it didn't. I mean, I didn't know what
21 was going on, but I didn't think to ask, I was too tired.

22 Q. Okay. And when you found out JR was missing and
23 had been missing since the 25th, how did you feel?

24 A. I was torn up. I was really confused about
25 everything. It was just not like him to not be around.

MEYAN THOMAS - DIRECT BY MS. RICHARDSON

1 Q. And what effect did this message have on you?

2 A. It really through me off, because knowing the
3 history relationship, like, with them, how they always
4 bumping heads --

5 MR. VOIGT: Objection, Your Honor.

6 THE COURT: Hold on a second.

7 MR. VOIGT: I believe this is calling for
8 speculation and opinion.

9 MS. RICHARDSON: Your Honor, I'm asking her how
10 she felt.

11 THE COURT: I'm going to overrule you. I think
12 she's entitled to tell her how she felt.

13 BY MS. RICHARDSON:

14 Q. And how did it make you feel?

15 A. Like I say, I was torn, I was confused. It just
16 wasn't like JR. And then, seeing the message, I just was
17 putting it together. I didn't understand why he sent it
18 that time of morning. And then after this, I haven't heard
19 from him again.

20 Q. After that message you didn't hear from him
21 anymore?

22 A. I didn't hear from him again.

23 Q. And was that unusual?

24 A. That was very unusual.

25 Q. Because how often would you have contact before

MEYAN THOMAS - CROSS BY MR. VOIGT

1 then?

2 A. If not every day, every other day.

3 Q. And had you -- had you told other people in the
4 community your suspicions or told them about these messages?

5 A. I might have mentioned it, I'm not sure, but I
6 know it was the first thing I brought up when I spoke to the
7 officer.

8 Q. Okay. And when you spoke to officer were up
9 upset?

10 A. Yes, I was.

11 Q. Okay. All right. I have no further questions.
12 Answer any questions that the other attorneys may have for
13 you.

14 THE COURT: Mr. Hazzard?

15 MR. HAZZARD: I have no questions.

16 THE COURT: Mr. Voigt?

17 MR. VOIGT: I got a couple, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. VOIGT:

20 Q. I think you testified that you talked to JR every
21 couple of days.

22 A. Every few days. If not, like, every so often, but
23 we do communicate.

24 Q. And you do that by telephone, right?

25 A. Or he come by the house.

MEYAN THOMAS - CROSS BY MR. VOIGT

1 Q. Okay.

2 A. Us being family, he'd come around.

3 Q. Family is important to you, right?

4 A. Of course.

5 Q. And when was the last time that you saw JR?

6 A. I know it had to been like mid February.

7 Q. Okay.

8 A. I'm not exactly sure of the date, but the last
9 time I seen him, him and his wife was together.

10 Q. And you hadn't seen him since mid February and
11 when was the last time you think you may have gotten some
12 sort of telephone call from him?

13 A. I'm not necessarily sure. I think maybe the day
14 of I saw him or the day after.

15 Q. Okay. Nobody asked you about that though, right?
16 The police officers didn't ask you about when the last time
17 you talked to JR was, did they?

18 A. I'm pretty sure they did.

19 Q. Okay. Did you show them your phone and show them
20 the contact and give them that --

21 A. I showed them everything.

22 Q. Okay.

23 A. I gave them my whole phone.

24 Q. Okay. When do you think the last time JR texted
25 you was?

MEYAN THOMAS - CROSS BY MR. VOIGT

1 A. I could not tell you. We didn't do a lot of
2 texting, it was more calling or him coming by.

3 Q. Okay.

4 A. It wasn't too many text messages.

5 Q. Okay. So in preparation for this case, say you
6 haven't reviewed any text messages between you and JR,
7 right?

8 A. No, I don't think so.

9 Q. Okay. You have reviewed that particular text
10 message, right?

11 A. Huh?

12 Q. The text message that you've got right in front of
13 you, you've reviewed that in preparation for your testimony
14 today?

15 A. I reviewed, yes.

16 Q. Okay.

17 A. Yes, I did.

18 Q. Now, that is a person in your phone contacts was
19 listed as "best friend"?

20 A. Uh-huh.

21 THE COURT: Yes? You just need to answer out loud
22 Yes, No --

23 THE WITNESS: Sorry. Yes.

24 THE COURT: Hold on. Or however you want to
25 answer the question just not with Uh-huh or uh-uh.

MEYAN THOMAS - CROSS BY MR. VOIGT

1 THE WITNESS: Okay. Yes.

2 BY MR. VOIGT:

3 Q. Because, there's a transcript that shows up, and
4 then there's quotation marks in it and it says, Uh-uh, or
5 unintelligible or something.

6 A. Okay.

7 Q. And we all knew what you said, but when we try to
8 keep a permanent record.

9 A. I understand.

10 Q. Okay. How many times after receiving those text
11 messages that you say are from your best friend did you try
12 to contact him?

13 A. Once.

14 Q. And when was that?

15 A. The day I went to the police department I tried to
16 call him.

17 Q. Okay. How many days after receiving that text
18 message did you attempt to reach out to him?

19 A. None.

20 Q. Okay.

21 A. Like I say, I haven't heard from him since that
22 message.

23 Q. Let me see if I can ask the question in a better
24 way.

25 When do you say is the last time that you texted

MEYAN THOMAS - CROSS BY MR. VOIGT

1 the person that you've identified as "best friend" on your
2 phone?

3 A. I'm guessing that morning when I read the message.

4 Q. And what morning would that have been?

5 A. The 26th.

6 Q. Okay. And you remember that because it's written
7 on that piece of paper?

8 A. Right.

9 Q. Okay. And at no time after the 26th did you
10 attempt to text the person you've identified in your phone
11 as "best friend"?

12 A. I think I might have did, text or call, been so
13 long ago I'm not even sure.

14 Q. Okay. Now, you just testified just a second ago
15 that before you went to the police you tried to call the
16 person --

17 A. Right.

18 Q. -- you've identified --

19 A. Yes.

20 Q. -- as best friend?

21 A. Yes.

22 Q. Okay. All right. And you testified that you were
23 friends mostly because you hung out together, that sort of
24 thing?

25 A. Yes.

MEYAN THOMAS - CROSS BY MR. VOIGT

1 Q. Okay. And you didn't hang out with him at all
2 from the end of February through the middle of March,
3 though?

4 A. No.

5 Q. Okay. And you didn't reach out to him to hang
6 out, did you?

7 A. No.

8 Q. And before you learned that JR was missing, you
9 didn't reach out to him?

10 A. No.

11 Q. Okay.

12 A. After he sent the message saying that he had a lot
13 going on, I just waited for him.

14 Q. Now, you talked to other family members about that
15 message, didn't you?

16 A. I probably did.

17 Q. And that got shared -- did you share it on
18 Facebook, that message?

19 A. No.

20 Q. Did you share it with other people -- well, let
21 me, I won't ask that question. I'll go at it another way.

22 You mentioned that you wanted to talk to
23 Sergeant Gregory. Did you have some sort of relationship,
24 just a personal relationship with Sergeant Gregory that made
25 you trust him?

MEYAN THOMAS - CROSS BY MR. VOIGT

1 A. Yes.

2 Q. Okay. Had you gone to him before with concerns,
3 questions, that sort of thing?

4 A. About this, or...

5 Q. In general?

6 A. In general, yes.

7 Q. Okay. So he was somebody who was familiar to you?

8 A. Yeah. Yes.

9 Q. Okay. And he wasn't -- but he wasn't on duty that
10 day when you went to the...

11 A. No. They said that he worked the night before.

12 Q. And so you had to get the next best thing, which
13 was who showed up --

14 A. I didn't come to the next officer, they came to
15 me.

16 Q. That's what I mean, they came --

17 A. Okay.

18 Q. -- directly to you?

19 A. Yes.

20 Q. Okay. Had you known JR your whole life?

21 A. Yes.

22 Q. Because he's a little bit older than you?

23 A. Yes.

24 Q. Okay. He's your blood?

25 A. Yes.

MEYAN THOMAS - CROSS BY MR. EDGEWORTH

1 Q. And you would agree with me, wouldn't you, that
2 blood is thicker than water?

3 A. Of course.

4 Q. All right. Please answer any questions that
5 Mr. Edgeworth may have of you.

6 THE COURT: All right. Mr. Edgeworth?

7 MR. EDGEWORTH: Court's indulgence. One moment.

8 THE COURT: Yes, sir.

9 MR. EDGEWORTH: Briefly, Your Honor. May it
10 please the Court.

11 THE COURT: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. EDGEWORTH:

14 Q. Ms. Thomas, you've indicated that you didn't know
15 Tiesh very well, right?

16 A. I'm sorry?

17 Q. You testified that you didn't really know Tiesh
18 very well?

19 A. No, not too much, no.

20 Q. Okay. Have you had -- have you had interactions
21 with her?

22 A. We went out once.

23 Q. Okay. The one time?

24 A. Uh-huh.

25 Q. Do you recall --

MEYAN THOMAS - CROSS BY MR. EDGEWORTH

1 THE COURT: Yes?

2 THE WITNESS: I'm sorry. Yes.

3 BY MR. EDGEWORTH:

4 Q. That's okay.

5 Do you recall in the past an incident in which you
6 were being assaulted by your boyfriend outside of Hair Q?

7 A. What does it have to do with this?

8 Q. Well, I'm just asking if you recall the incident?

9 A. I do recall that.

10 Q. Do you recall --

11 A. And it wasn't Hair Q, it was Ming'z.

12 MS. RICHARDSON: Your Honor, objection, relevance.

13 MR. EDGEWORTH: I haven't gotten there, yet.

14 THE COURT: Well, I'll overrule that. Continue,
15 sir.

16 MR. EDGEWORTH: Okay.

17 BY MR. EDGEWORTH:

18 Q. Do you recall Tiesh stopping by to intervene and
19 call 911 on your behalf?

20 A. No.

21 Q. Do you recall her taking you home from the
22 incident?

23 A. Yes.

24 Q. You indicated in your testimony that approximately
25 two weeks or the middle of February was the last time you

MEYAN THOMAS - REDIRECT BY MS. RICHARDSON

1 saw JR?

2 A. Yes.

3 Q. Okay.

4 A. And he was with Tiesh.

5 Q. Okay. During that time do you recall that Tiesh
6 was dropping off clothes for your children?

7 A. No. She didn't drop them off for my children, she
8 dropped them off for me, and I threw them in my closet.

9 Q. Okay. But she did drop off clothes to you?

10 A. Yes.

11 MR. EDGEWORTH: Okay. No further questions, Your
12 Honor.

13 THE COURT: Any redirect?

14 MS. RICHARDSON: Yes, Your Honor.

15 REDIRECT EXAMINATION

16 BY MS. RICHARDSON:

17 Q. Mr. Voigt asked about your relationship with
18 Sergeant Gregory.

19 A. Yes.

20 Q. You felt close enough to reach out to him?

21 A. Yes, I did.

22 Q. Would you tell us how and why you were close to
23 Sergeant Gregory?

24 A. Well, in 2011 I lost my brother to violent -- to
25 gun violence. And Gregory was the only one that I felt

MEYAN THOMAS - REDIRECT BY MS. RICHARDSON

1 close to that helped solve that case. So I don't confide in
2 officers like that, but because he did what he did, I mean,
3 that's just the first person I would go to if I had a
4 problem.

5 Q. Mr. Voigt also inquired about your -- and he kept
6 referring to him as "best friend," but let's just be clear,
7 "best friend" was who?

8 A. It was Alexander.

9 Q. Alexander Rhue Jr.?

10 A. Yes.

11 Q. Okay. And as far as your closeness, did he
12 actually stay with you at some point?

13 A. He spent two nights at my house, because JR and
14 Tiesh got into it and she put him out.

15 Q. She put Alex out?

16 A. She put Alex out.

17 Q. And he came and stayed at your house?

18 A. Yes.

19 Q. And what was his reaction to that?

20 A. He was frustrated and saying that, How his sister
21 is going to choose JR over him.

22 Q. Okay. And did he say anything else about it or
23 was he angry?

24 A. He was angry.

25 Q. Okay. And did he give you any indication how he

MEYAN THOMAS - REDIRECT BY MS. RICHARDSON

1 was going to handle that?

2 A. No, he didn't say how he was going to handle it.
3 He just --

4 MR. VOIGT: I'm going to object at this point,
5 Judge.

6 THE COURT: Hold on, ma'am.

7 MS. RICHARDSON: I'll withdraw the question.

8 THE COURT: All right.

9 MS. RICHARDSON: I have no further questions.

10 THE COURT: All right. Mr. Hazzard, any recross
11 that's limited to redirect?

12 MR. HAZZARD: No, Your Honor.

13 THE COURT: All right. Mr. Voigt?

14 MR. VOIGT: No, sir.

15 THE COURT: Mr. Edgeworth?

16 MR. EDGEWORTH: No, Your Honor.

17 THE COURT: All right. Thank you.

18 All right. Ma'am, thank you so much for coming
19 in, you're excused from your subpoena.

20 THE WITNESS: Okay. You're welcome.

21 THE COURT: Solicitor, there's a piece of paper
22 here.

23 MS. RICHARDSON: I did move it in evidence, right?

24 COURT REPORTER: Number 42?

25 MS. RICHARDSON: Yes.

ANTWAN SIMMONS - DIRECT BY MS. RICHARDSON

1 COURT REPORTER: Yes.

2 MS. RICHARDSON: Okay. Your Honor, can she be
3 excused from her subpoena?

4 THE COURT: Yes. She can. Thank you.

5 All right, Solicitor.

6 MS. RICHARDSON: The State calls Antwan Simmons.

7 ANTWAN SIMMONS, having been duly sworn,
8 testified as follows:

9 THE WITNESS: Antwan Simmons.

10 DIRECT EXAMINATION

11 BY MS. RICHARDSON:

12 Q. Mr. Simmons, where are you from?

13 A. I'm from Georgetown.

14 Q. Okay. And how long have you lived in Georgetown?

15 A. Most my life.

16 Q. And do you have children?

17 A. Yes.

18 Q. How many children do you have?

19 A. I have three girls.

20 THE COURT: Mr. Simmons, I'm going to need you to
21 try to get as close to that microphone as you can. It only
22 picks up when you're about that far away from it.

23 Thank you, sir.

24 THE WITNESS: Three girls.

25

ANTWAN SIMMONS - DIRECT BY MS. RICHARDSON

1 BY MS. RICHARDSON:

2 Q. And what do you do for a living?

3 A. I do residential construction.

4 Q. Okay. And whose business is that?

5 A. It's mine.

6 Q. How long have you done that?

7 A. A little over 25 years, maybe.

8 Q. Okay. And do you know any of the defendants:

9 Alex Rhue Sr., Alex Rhue Jr., or Tiesh Rhue?

10 A. Yes, ma'am.

11 Q. Okay. And tell me which of them you know.

12 A. I know Alex, I know his father, and I know his
13 sister.

14 Q. Okay. And how do you know them?

15 A. I met them through a mutual cousin of mine,
16 Bianca, and I think it was probably '16 or '15 I met them.

17 Q. 2015 or '16?

18 A. Yes.

19 Q. Okay. And what was your relationship with Alex
20 Rhue Jr.?

21 A. Well, I know him from the neighborhood and he
22 worked with me.

23 Q. And he worked with you? What did he do for you?

24 A. He's one of my helpers, like, on this particular
25 job I did, I was doing a metal roof. And I needed a ground

ANTWAN SIMMONS - DIRECT BY MS. RICHARDSON

1 man, he was mostly my ground man.

2 Q. Okay. And when was it that he worked for you?

3 A. It was May 2017, I think it was.

4 Q. Okay. And was he working with you -- and did you
5 know JR?

6 A. Yes, ma'am.

7 Q. And how did you know him?

8 A. He's my family.

9 Q. And how are you related?

10 A. Cousins through Johnson, Harris. My mother's
11 side.

12 Q. Your parents were cousins, I think you said?

13 A. Yes.

14 Q. Okay. And were you aware -- well, first of all,
15 were you aware JR was missing back in February or March of
16 2017?

17 A. No, ma'am. Not until I was told.

18 Q. Okay. And did you become concerned about JR
19 before he was missing?

20 A. Yes.

21 Q. Okay. Tell me about that.

22 A. Well, I got off work one day, I think it was a
23 Saturday, and I have another cousin named Shawn Simmons.
24 Him and his girlfriend just moved in an apartment and wanted
25 me to pick up some furniture for them. And me and him was

ANTWAN SIMMONS - DIRECT BY MS. RICHARDSON

1 about to pull out and Alex stopped us, saying he wanted to
2 talk to me about something.

3 Q. And had Alex been working with you some at that
4 point?

5 A. Yes, ma'am.

6 Q. Okay. And you said May of '17, but he had
7 actually been working with you before this --

8 MR. VOIGT: Objection. I think that's leading,
9 Judge.

10 THE COURT: Try to rephrase, please?

11 MS. RICHARDSON: All right.

12 THE COURT: Sustained.

13 BY MS. RICHARDSON:

14 Q. When you -- at the time of this conversation that
15 you -- or of moving this furniture, who was working with
16 you? Who had been working with you on your jobs?

17 A. Alex. Alex Jr.

18 Q. Okay. And do you remember specifically which job
19 it was?

20 A. Yes, ma'am.

21 Q. Okay. Where was that job?

22 A. Out in Loris.

23 Q. And that's in Horry County?

24 A. Yes, ma'am.

25 Q. And how would you travel to Horry County?

ANTWAN SIMMONS - DIRECT BY MS. RICHARDSON

1 A. I would take 701 straight on up through Conway,
2 jump Highway 9, I believe.

3 Q. Okay. And about how long of a ride was that?

4 A. About an hour and 20 minutes, ride -- hour and
5 15 minutes.

6 Q. And did you travel by yourself or did you...

7 A. I would carry the crew with me. One particular
8 time was me and Alex went. Another time it was me and a few
9 other cousins went, you know, but I only got a Ford Ranger,
10 so I didn't carry too much people.

11 Q. And so getting back to the day with Shawn Simmons,
12 tell me about that.

13 A. Well, he asked me prior, Could I go and take some
14 furniture or pick some furniture for him from Big Lots,
15 Myrtle Beach. And I said, Sure, I could.

16 Q. And you had a trailer because of your construction
17 business?

18 A. Yes, ma'am.

19 Q. Okay.

20 A. We went to go and pick up the trailer, and we were
21 about to pull out, Alex flagged me down, saying he want a
22 ride, smoke. So I let him in and we ride to Myrtle Beach,
23 smoked a couple of blunts.

24 Q. Okay. And did you pick up the furniture from Big
25 Lots?

ANTWAN SIMMONS - DIRECT BY MS. RICHARDSON

1 A. Yes, ma'am.

2 Q. Okay. And were did you see Alex? Where did you
3 pick him up?

4 A. It was on Emanuel and Alex Alford.

5 Q. And that's here in the city limits?

6 A. Yes, ma'am.

7 Q. And after you got the furniture, what did you do?

8 A. Dropped it off at her house and we all went our
9 separate ways.

10 Q. Okay. And now you asked Alex to ride with you?

11 A. Yeah.

12 Q. Okay. Tell me -- tell me how that went. Tell me
13 about that?

14 A. Well, he jumped in the truck, started off quiet,
15 we rolling up. And then just come out of nowhere, it was
16 like, You know JR? I'm like, Yeah. Well, that fucker out
17 of here, I took that nigga for a ride.

18 And I kind of, it just through me off a little
19 bit, but he kept on talking. He talked so fast I couldn't
20 really understand what he was saying, but I got that much
21 out of the conversation.

22 Q. Okay. And what did that mean what does, "Take him
23 for a ride," mean?

24 A. I know it was not good, and it was slangs,
25 neighborhood slang you know, taking somebody out, killing

ANTWAN SIMMONS - DIRECT BY MS. RICHARDSON

1 them.

2 Q. And that's the sort of slang that you used?

3 That's what you thought it meant?

4 A. Yes, ma'am. Off the top.

5 Q. And did he say anythings else about that?

6 A. Just said that -- I remember him saying that JR
7 and sister got in a little beef or argument or something,
8 she called him and he went to go handle it.

9 Q. And did he tell you what they were fighting over?

10 A. No. I believe it was -- it was -- I think it
11 was -- it was about money, because JR was married to her and
12 he had kids with another young lady. And I think that child
13 support was getting took from her through taxes or some
14 stuff. So it was like JR owed her some money. I don't
15 know, how much it was, but I think they were beefing over
16 money.

17 Q. All right. And did he give you any additional
18 information about that?

19 A. Just been having problems around the house, you
20 know, beefing. I think she put him out.

21 Q. And you took this, what he said, "Took him for a
22 ride," you took it to mean what?

23 MR. VOIGT: Objection. Asked and answered.

24 THE COURT: I'm sorry. Thee was a cough. I
25 didn't hear the question. Could you repeat the question?

ANTWAN SIMMONS - DIRECT BY MS. RICHARDSON

1 MS. RICHARDSON: What did you take, "I took him
2 for a ride," to mean?

3 THE COURT: All right. Hold on. And your --

4 MR. VOIGT: Was asked and answered.

5 THE COURT: All right. I'm going to overrule
6 that.

7 BY MS. RICHARDSON:

8 Q. And -- so what -- what did you do after that
9 conversation? Do you remember what day it was?

10 A. It was a Saturday. Sunday I was off, I kind of
11 just laid around. And it was bothering me, you know. So
12 Monday morning I got up, went to work, knocked off a little
13 early and went by the father house, which is Leon Sr.

14 Q. And why did you go there?

15 A. I wanted to know if anybody seen JR and they said
16 that they hasn't seen him. I said, Why don't you try to
17 look for him? And I would tell him something, that, If
18 y'all can't find him, I'll tell y'all what somebody told me.

19 Q. Okay. So you didn't tell them what had been told
20 that day?

21 A. No. No, I didn't tell --

22 Q. And that was on a Monday, you said?

23 A. Yeah. I hadn't told them anything. I just -- I
24 just told them to go look for him.

25 Q. Okay. And after that -- and who did you talk to?

ANTWAN SIMMONS - DIRECT BY MS. RICHARDSON

1 A. I talked to Khryshard, we usually call him Cross,
2 he was the only one home that day.

3 Q. All right. And did you have any further contact
4 with the family after that?

5 A. Yes. I told Cross, you know, and get with his
6 father, get with his brothers and just try to look for JR,
7 and if they don't find him, call me and I'll come and tell
8 them the story that somebody told me.

9 Q. Okay. And was there any more contact from them?

10 A. Yes. I believe so. They called me up about
11 Wednesday or Tuesday, asked me to come to the family house.
12 Everybody was there. They were a little upset, because they
13 couldn't find him, so I told them what I had been told.

14 Q. And you told them who had said it?

15 A. Yes.

16 Q. And after that, is that when he was reported
17 missing?

18 A. Yes.

19 Q. And when you told his brother, did he seem to know
20 he was missing at that time?

21 A. No. No, we didn't think it was unusual for JR to
22 be gone a couple of days. Nobody thought it was unusual.

23 Q. All right. I have no further questions. Answer
24 any questions that they may have for you.

25 A. Yes, ma'am.

ANTWAN SIMMONS - CROSS BY MR. HAZZARD

1 THE COURT: All right. Mr. Hazzard, do you have
2 any questions, sir?

3 MR. HAZZARD: Yes, sir, Your Honor. Court's
4 indulgence.

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. HAZZARD:

8 Q. Good morning, sir.

9 A. Good morning.

10 Q. Okay. You told the Prosecutor that you went to
11 pick up some furniture in Myrtle Beach, correct?

12 A. Yes, sir.

13 Q. Okay. And what type of car were you driving?

14 A. I have a Ford Ranger XLT.

15 Q. Okay. And how many seats does it have?

16 A. It has two front seats and a fold out back
17 passenger seat, fold out back driver seat.

18 Q. Okay. So, basically, front seats, back seats, but
19 not a huge cab --

20 A. No.

21 Q. -- it's not like a limousine or anything like
22 that?

23 A. No, sir.

24 Q. So you're going to pickup this furniture and Shawn
25 Simmons is with you, correct?

ANTWAN SIMMONS - CROSS BY MR. HAZZARD

1 A. Yes, sir.

2 Q. So he's in on the ride all the way, correct?

3 A. Yes, sir.

4 Q. There and back?

5 A. Yeah.

6 Q. You, Shawn Simmons and Alex Rhue Jr.?

7 A. Yeah.

8 Q. So he would have been able to hear anything Alex
9 Rhue Jr. said?

10 A. Should have been, I would think so.

11 Q. All right. And you said that you are related to
12 Leon Harrison Jr.?

13 A. Yes.

14 Q. And that is common knowledge in the community?

15 A. Yes.

16 Q. But it is your testimony to this jury that a
17 worker of yours --

18 A. Yes.

19 Q. -- got in your car and, unprovoked, said, "I
20 killed your relative"?

21 A. Yeah.

22 Q. Okay. And I think -- I want to be clear, I think
23 you said that he said that, Tiesh Rhue and Leon Harrison Jr.
24 got into an argument and she called him to come take care of
25 it, that's what he told you?

ANTWAN SIMMONS - CROSS BY MR. VOIGT

1 A. He said that they got in a little scat and he was
2 called there.

3 Q. He was called there.

4 MR. HAZZARD: No further questions.

5 THE COURT: Mr. Voigt?

6 MR. VOIGT: Just a few.

7 CROSS-EXAMINATION

8 BY MR. VOIGT:

9 Q. Not unusual for JR to drop out of site for a few
10 days, right?

11 A. Yes. That's what I was told by the family when I
12 went to go see them.

13 Q. Okay. In your experience, like, how long between
14 interactions with JR would you have?

15 A. I would probably see JR about once a month, maybe.

16 Q. So he could go -- he could lay low for 10 days,
17 14 days, it wouldn't effect how often you saw him?

18 A. No. No, I wouldn't think nothing of it.

19 Q. Was Alex Rhue working for you in February of 2017?

20 A. Not sure.

21 Q. You're not sure?

22 A. No, I'm not sure.

23 Q. Okay. And whose idea was it for him to go with
24 you up to Myrtle Beach?

25 A. I'm not sure who suggested it, but he say he

ANTWAN SIMMONS - CROSS BY MR. VOIGT

1 wanted to holler at me about something. I said, We're going
2 to Myrtle Beach, you can ride if you want, he jumped in.

3 Q. And did y'all talk about anything else on the way
4 up to Myrtle Beach?

5 A. That was the main thing that I could remember, I'm
6 not sure.

7 Q. Okay. And that's a pretty long drive, right?

8 A. Yeah.

9 Q. Like an hour and 15 going up?

10 A. Probably more like an hour, yeah, about an hour.

11 Q. Okay. And your -- how much time do you think YOU
12 spent up there?

13 A. When we pulled up to the furniture store in the
14 front, went inside, grabbed the furniture and left, maybe 20
15 1minutes, maybe, at that.

16 Q. Okay. And an hour back?

17 A. Yeah.

18 Q. Okay. So maybe two-and-a-half hours?

19 A. Yeah.

20 Q. That you would have spent in a cab or in the
21 presence of Alex Rhue Jr. and your other cousin, Shawn
22 Simmons?

23 A. Yes.

24 Q. Okay. Now when we're talking about fold out
25 seats, are these the kind that fold out from the sides?

ANTWAN SIMMONS - CROSS BY MR. VOIGT

1 A. Yeah, come from the side wall.

2 Q. And show me with your hands how narrow they might
3 be or how wide they might be?

4 A. About that wide. (Indicating.)

5 Q. All right. Just for the record, you're holding
6 your hands about 14 inches apart more or less?

7 A. Yes.

8 Q. And those are directly behind the driver seat and
9 the passenger seat, right?

10 A. Yes.

11 Q. So that your heads are fairly close to each other,
12 it's not like you've got your legs between you and the
13 person in the front seat, you're actually sitting to the
14 side, right?

15 A. Yes.

16 Q. Okay. And you smoked a couple of blunts?

17 A. Yes.

18 Q. And for the record, what's a blunt?

19 A. That's marijuana.

20 Q. Okay. And you did that before you had any sort of
21 real conversation with anybody in the truck, right?

22 A. No, I didn't say that. We was talking while we
23 was rolling.

24 Q. Talking, rolling, smoking all at the same time.

25 A. All at the same time.

ANTWAN SIMMONS - CROSS BY MR. VOIGT

1 Q. Okay. And that was on the way up?

2 A. Yes, sir.

3 Q. And the conversation that we're concentrating on
4 was on the way up?

5 A. Yes.

6 Q. Okay. And it didn't impair you at all?

7 A. No.

8 Q. Because it doesn't impair you?

9 A. (Indicating.)

10 Q. We have to do verbal answers.

11 A. No, it doesn't impair me, not to that point.

12 Q. Okay. It doesn't affect you at all?

13 A. Yes.

14 Q. Okay. Does it affect your perception?

15 A. No.

16 Q. At all?

17 A. No.

18 Q. If it doesn't affect your perception why do you do
19 it?

20 A. It relaxes me.

21 Q. Got you. And you needed to relax to head up to
22 Myrtle Beach to get some furniture?

23 A. That's just how I unwind.

24 Q. Okay. You talked to the police about this, right?

25 A. Yes.

ANTWAN SIMMONS - CROSS BY MR. VOIGT

1 Q. Do you remember telling the police that you
2 thought, "Taking him for a ride" meant to beat him up?

3 A. I don't remember saying that.

4 Q. Okay. You know that Alex Rhue doesn't drive,
5 right?

6 A. Yes.

7 Q. Okay. You then went and you told -- you went to
8 the family first, right?

9 A. Yes.

10 Q. You didn't talk to the police first?

11 A. No.

12 Q. You went to the family first and then you had to
13 go back to the family, right?

14 A. Yes.

15 Q. You love your family?

16 A. Yes.

17 Q. Are you very tight with your family?

18 A. Yes.

19 Q. You consider them blood?

20 A. Yes.

21 Q. Do you believe that blood is thicker than water?

22 MS. RICHARDSON: Your Honor, I object.

23 THE COURT: I'll allow it.

24 THE WITNESS: What's you want?

25

ANTWAN SIMMONS - REDIRECT BY MS. RICHARDSON

1 BY MR. VOIGT:

2 Q. Well, it's how you take it, not what I mean.

3 A. If I believe blood is thicker than water?

4 Q. Yeah.

5 A. Yeah.

6 Q. Okay.

7 MR. VOIGT: I have no further questions, Your
8 Honor.

9 THE COURT: Mr. Edgeworth, do you have any
10 questions, sir?

11 MR. EDGEWORTH: I have no questions for this
12 witness, Your Honor.

13 THE COURT: All right. Any redirect, Solicitor?

14 REDIRECT EXAMINATION

15 BY MS. RICHARDSON:

16 Q. Was Alex a talkative person?

17 A. Yes.

18 Q. Can you describe, kind of, how he talked and
19 acted?

20 A. Yeah.

21 MR. VOIGT: I'm going to object as beyond my
22 cross, Judge.

23 MS. RICHARDSON: It's Mr. Hazzard's cross.

24 THE COURT: Hold -- hold on. Hold on.

25 I'm going to allow the question.

ANTWAN SIMMONS - REDIRECT BY MS. RICHARDSON

1 MR. VOIGT: Thank you, Your Honor.

2 THE WITNESS: Yes, he's very talkative.

3 BY MS. RICHARDSON:

4 Q. Okay. Can you kind of elaborate and explain that
5 to me?

6 A. Just like, to boast, talk about things, you know,
7 shouldn't be talking about.

8 Q. All right.

9 MS. RICHARDSON: I have no further questions.

10 THE COURT: All right. Any -- any recross limited
11 to redirect from Mr. Hazzard?

12 MR. HAZZARD: No, sir.

13 THE COURT: Mr. Voigt?

14 MR. VOIGT: No, Your Honor.

15 THE COURT: Mr. Edgeworth?

16 MR. EDGEWORTH: No, sir.

17 THE COURT: All right. Sir, thank you. You can
18 step down and you're excused from your subpoena. Okay?

19 THE WITNESS: I appreciate it.

20 THE COURT: Yes, sir. All right.

21 Ladies and gentlemen, it's 12 o'clock, and so I
22 think right now would be a good time to go ahead and break
23 for lunch. I'd ask that you be back in the jury room at
24 1:15. And we will be ready to start, I believe, promptly at
25 1:15 and so have a good lunch.

1 Don't talk about the case amongst yourselves or
2 with anyone else. No research about the case on this
3 matter, checking on Facebook and things of that nature.

4 Thank you. Have a great lunch, we'll see you back
5 at 1:15.

6 (WHEREUPON, the jury exited the courtroom at 12:01
7 p.m.)

8 THE COURT: All right. We'll be at recess until,
9 I told them to come back at 1:15. Is there going to be
10 anything we need to take up before we bring the jury back in
11 from the State?

12 MS. RICHARDSON: Not from the State, Your Honor,
13 but we do expect a lot of, sort of, evidence handling at
14 this next juncture.

15 THE COURT: Well, if y'all need to talk about it,
16 please do so. I'll be back out on the bench at five after
17 1:00. Okay?

18 MS. RICHARDSON: Do you think there are any
19 issues?

20 THE COURT: Mr. Hazzard?

21 MR. HAZZARD: Yes, sir.

22 THE COURT: Does that meet with your approval,
23 I'll see y'all back here about five after 1:00?

24 MR. HAZZARD: Yes, sir.

25 THE COURT: Thank you. All right.

1 Mr. Voigt, is that okay?

2 MR. VOIGT: Absolutely, Your Honor.

3 (WHEREUPON, there was a break held from 12:03 p.m.
4 until 1:12 p.m.)

5 THE BAILIFF: All rise.

6 THE COURT: Thank you. You can be seated.

7 MS. SMITH: I apologize profusely. I heard the
8 wrong time. I am so sorry.

9 THE COURT: All right. Are we ready to proceed?

10 MS. SMITH: Your Honor, if you'll give me one
11 second. I don't how I heard 1:30. I am so sorry.

12 THE COURT: All right.

13 MS. SMITH: Ms. Rogers, is going to get our
14 witnesses.

15 THE COURT: Okay. In that case, are we ready to
16 bring the jury in, Solicitor?

17 MS. SMITH: Your Honor, if you can just give us
18 just a second to get them from downstairs to upstairs. I
19 apologize, when we got the phone call, we were running out
20 the door.

21 THE COURT: That's all right. We're not going to
22 bring the witness in before we get the jury seated?

23 MS. SMITH: No. I just don't to have them sitting
24 here waiting -- while in the courtroom.

25 THE COURT: All right.

1 MS. SMITH: Thank you.

2 MS. RICHARDSON: My apologies, Your Honor.

3 THE COURT: That's all right.

4 MS. RICHARDSON: I was thinking it was 1:30.

5 THE COURT: That's all right. Just let me know
6 when y'all are ready to proceed.

7 MS. RICHARDSON: Is there anything we need to
8 address before the jury comes in?

9 THE COURT: No. We're ready to bring the jury in?

10 MS. RICHARDSON: Okay.

11 THE COURT: Are you ready to bring the jury in?

12 MS. SMITH: Just one second.

13 THE COURT: Ready. All right. Bring in the jury,
14 please.

15 (WHEREUPON, the jury entered the courtroom at 1:19
16 p.m.)

17 THE COURT: All right. Ladies and, gentlemen
18 welcome back.

19 Solicitor, are we ready to proceed?

20 MS. RICHARDSON: Yes, Your Honor.

21 THE COURT: Call your next witness, please.

22 MS. RICHARDSON: The State calls Ricardo Leal.

23 RICARDO LEAL, having been duly sworn,
24 testified as follows:

25 THE COURT: All right. Sir, if you don't mind,

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 pull your mask down just for the purposes of your testimony,
2 please.

3 THE WITNESS: Okay.

4 THE COURT: Thank you very much.

5 THE WITNESS: Thank you, Your Honor.

6 My name Ricardo Leal, it's R-I-C-A-R-D-O. Last
7 name is spelled, L-E-A-L.

8 DIRECT EXAMINATION

9 BY MS. RICHARDSON:

10 Q. Mr. Leal, where are you employed?

11 A. I work for T-Mobile Corporation.

12 Q. And how long have you worked there?

13 A. So I started with T-Mobile on April 1st of '20.

14 Prior to that, I worked for the Sprint Corporation. And the
15 two companies merged together on that date. So since then,
16 I've been doing the same function, essentially, that I did
17 with the Sprint Corporation testifying serving as a records
18 custodian that I did previously for nine years. And so, in
19 total, it will be 20 years this months that I've worked for
20 a phone company.

21 Q. Okay. And specifically with Verizon what sort of
22 records are kept regarding cell phones?

23 A. So there are -- there's subscriber information,
24 call detail records with cell site information, there's
25 other information as well, data information, different types

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 of things, that all go back to the actual telephone number.

2 The information that was requested was Subscriber
3 Information and Call Detail Records for finite period of
4 time.

5 Q. And are those records kept in the normal course of
6 business?

7 A. Yes, they are.

8 Q. Let me show you what's been marked as State's
9 Exhibits 43, and then 44. Let's start with 43.

10 A. Okay.

11 Q. Can you tell me what that is?

12 A. Yes, ma'am. These are call detail records and
13 subscriber information for phone number (843)240-1042. It's
14 information that I actually placed on the disk from the
15 records that were sent out originally.

16 Q. Okay. And have you reviewed that CD?

17 A. Yes.

18 Q. And you actually put the information on that CD?

19 A. Yes.

20 Q. Okay. And is it initialed by you?

21 A. Yes.

22 Q. Okay. And is that an accurate reflection of the
23 records that were provided in the normal course of
24 business -- or records that were kept in the normal course
25 of business and provided for that target number?

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 A. Yes, ma'am.

2 Q. Okay.

3 MS. RICHARDSON: Your Honor, at this time, I'd
4 move State's 43 into evidence.

5 THE COURT: Mr. Hazzard, any objection?

6 MR. HAZZARD: No, sir. No objection.

7 THE COURT: Mr. Voigt?

8 MR. VOIGT: I will lodge a relevance objection,
9 which I'm sure might be cured.

10 THE COURT: All right. Yes, sir.

11 MR. EDGEWORTH: No objection, Your Honor.

12 THE COURT: All right. Admitted without objection
13 to the two, but as it relates to a possible relevance
14 objection raise by Mr. Rhue Jr., I'm going to go ahead and
15 admit it.

16 (WHEREUPON, State's Exhibit Number 43 was moved
17 into evidence.)

18 BY MS. RICHARDSON:

19 Q. And also State's 44.

20 A. It too is call detail records with subscriber
21 information for a different telephone number, that telephone
22 number being (843)240-5159. It, too, is a disk that I
23 placed the original record onto and reviewed the
24 information.

25 Q. And that's an accurate copy of the records that

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 were kept in the normal course of business that have been
2 provided by Verizon pursuant to search warrant?

3 A. T-Mobile.

4 Q. I mean T-Mobile, I'm sorry.

5 A. Pursuant to search warrant, yes, ma'am.

6 Q. Your Honor -- and do you have subscriber
7 information, were you able to determine that --

8 A. Yes.

9 Q. -- for that exhibit?

10 A. So for this Exhibit 44, the subscriber information
11 is on it and it's in the name of Tiesh Rhue. And the other
12 Exhibit Number 43 is in the subscriber name of Leon
13 Harrison.

14 MS. RICHARDSON: And Your Honor, at this time, I'd
15 move State's 44 into evidence.

16 THE COURT: All right. Mr. Hazzard, any objection
17 to State's 44?

18 MR. HAZZARD: No objection.

19 THE COURT: Mr. Voigt?

20 MR. VOIGT: No objection, Your Honor.

21 THE COURT: All right. Mr. Edgeworth?

22 MR. EDGEWORTH: No objection, Your Honor.

23 THE COURT: All right. Admitted without
24 objection.

25 (WHEREUPON, State's Exhibit Number 44 was moved

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 into evidence.)

2 MS. RICHARDSON: And, Your Honor, if we could
3 publish these for the jury and let him use that during his
4 testimony?

5 THE COURT: Yes, ma'am.

6 BY MS. RICHARDSON:

7 Q. We'll begin with State's 43. Can you see the
8 monitor?

9 A. I can see it yes, ma'am.

10 Q. Thank you. All right.

11 And this would be -- can you tell me what records
12 were requested in reference to State's 43?

13 A. Yes, ma'am. So subscriber information and call
14 detail records with cell tower information for the number
15 ending in 1042.

16 Q. Okay. And what time period?

17 A. It was for two days. Can I open it up; is that
18 all right?

19 Q. Yes.

20 A. It give the exact dates. So it's February 25th,
21 2017, through February 26th of 2017, but actually goes
22 through March 10th of 2017, rather.

23 Q. And who is the -- do you have the subscriber
24 information for phone number 240-1042?

25 A. Yes, ma'am. The subscriber information is here,

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 this is the subscriber information.

2 Q. And who is the subscriber?

3 A. Leon Harrison.

4 Q. And when was that telephone activated?

5 A. I was effective on January 23rd of 2017.

6 Q. And is that account expired?

7 A. It terminated on March 1st of 2017.

8 Q. Yet you have some records after that?

9 A. Yes, ma'am.

10 Q. And it was -- and you have the reason for the
11 suspension?

12 A. It just says it was suspended.

13 Q. Okay. And if we could go back to the call detail
14 records?

15 A. Okay.

16 Q. Now, can you briefly -- first of all, what sort of
17 time zone are these records provided in?

18 A. So the records are provided in UTC Time. So with
19 UTC Time that's what's stamped on the record itself. To get
20 it to Eastern Time you have to do a conversion. And for
21 this time period the conversion is minus five hours to get
22 to Eastern Time.

23 Q. Okay. So for the first record that you're showing
24 there, 2/25, what would that at -- it's also in military
25 time as well, right?

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 A. Correct, it's in military time. So it's showing
2 stamped 35 minutes after midnight on the 25th, but you have
3 to go back five hours. So that's going to put you at -- let
4 me do the conversion -- 7:35 and 17 seconds.

5 Q. And actually on the day before?

6 A. On the day before, correct.

7 Q. Okay. All right. So if you could just briefly
8 show us how these records are kept and what each call is
9 for.

10 A. Absolutely. So starting from the left hand side,
11 you have the date, then you have the time. And I'm just
12 going to go by each row or column here. You have the
13 duration, the duration is the total time in seconds. Then
14 you have the call type. M-O-C would be Outgoing Mobile
15 Originating Call. If it said M-T-C, it would be Mobile
16 Terminating Call. If it had S-M-S in there, it would be a
17 text message. Text messages would show up in the Duration
18 Column as 60, like 60 seconds, but they're actually text
19 messages, okay?

20 You have the calling number in this next column,
21 or actually it shows the directionality too, so it also
22 identifies whether it's outgoing, incoming, to that target
23 number. The target number being the record holder number,
24 the number ending 1042.

25 You have the calling number, that's the number

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 that's doing the calling. You have the dialed number,
2 that's the number being dialed. And then it shows the
3 called number, which would be showing the actual digits that
4 are being called. And then you have the destination number,
5 which would typically they're going to be the same. The
6 called number is going to be the designation number.

7 You also have the I-M-S-I, that is the
8 International Mobile Subscriber Identity. And the I-M-E-I,
9 which is the Equipment ID, or the International Mobile
10 Equipment Identifier. It all goes back to the actual
11 handset that was being utilized. That's in the Subscriber
12 Information.

13 Then you have the completion code that tells you
14 if the call was competed or not. If it was abnormal
15 completion it wasn't a completed call.

16 You have service codes. The service codes
17 would -- there's a handout that we send out that has all the
18 information, but basically the service codes would show a
19 call into voice mail, if the call was being restricted on
20 the other end by the calling number, those types of things.

21 You have the switch name, which is this last one
22 we're looking at, it's just the actual name switch that the
23 tower is operating from. And then you have information for
24 the call records beyond that. So it gives you the first
25 tower and sector. It also gives you the azimuth of the

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 tower that is being utilized. The azimuth is the midpoint
2 of the sector for the specific tower.

3 Generally speaking towers are three sided and so
4 this would kind of give you the midpoint for the sector that
5 was being utilized. It gives digits, so I try to use like a
6 clock where 12 is zero and 360. So, if it was, say, 120
7 degrees, four would be an approximation of 120 degrees if
8 you were trying to do zero to 360, right? Just to give you
9 a little bit of an idea how that works.

10 So what it does it shows the sector or side of the
11 tower that a call bounced off of by the radio frequency and
12 the tower as the actual antenna.

13 The next columns show First Tower, Lat and Long,
14 that is the actual placement of the tower by latitude and
15 longitude. So you would have to input that information and
16 it would give you an address or location if you were to use
17 Google Maps or some type of mapping software to do that.

18 It also gives the tower address and it could be
19 the exact location of that specific tower, but it also could
20 be that that's site address where you would have to go to
21 locate the tower. So when mapping the information you
22 really need to use the latitude and longitude and not the
23 actual address that's there.

24 And then it gives information about where that
25 tower is located, Georgetown, South Carolina, in this case,

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 is where the information was hitting off of and then it give
2 the zip code.

3 Q. Okay. And how big is the radius for each tower?

4 A. So I can't define the exact radius for each tower,
5 but, generally speaking, it could be as little as a third of
6 a mile, two to 2.5 miles. It just depends on the population
7 density and the landscape of the land as far as that's
8 concerned.

9 Q. And then each tower is divided into a sector based
10 on the three side?

11 A. Correct.

12 Q. All right. So as for these records, I'm going to
13 refer you, if you can go down -- if you can go down to -- if
14 you can just scroll down?

15 A. Okay.

16 Q. Until later on the 25th. All right.

17 If you can go to 2/26 at 2:24 UTC Time?

18 A. Okay. All right.

19 Q. Okay.

20 A. It's right there.

21 Q. All right. If you would put the mouse on that
22 one. So that would -- actually what that would -- would
23 that actually be on a different date?

24 A. Correct. You have to go back five hours. And so
25 that would be 9:24 and 55 seconds on the 25th of February

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 2017.

2 Q. Okay. And that was an outgoing call?

3 A. Yes, ma'am.

4 Q. And what number was that to?

5 A. 843 -- I'm having a hard time reading it here --
6 (843)240-5159.

7 Q. Okay. And is that the other target number?

8 A. Yes, ma'am.

9 Q. Of Tiesh Rhue? Subscriber Tiesh Rhue?

10 A. Yes, ma'am.

11 Q. Okay. And then after that there's an incoming
12 call from that same number?

13 A. Yes, ma'am.

14 Q. Okay. And then after that you have some
15 additional outgoing calls?

16 A. Correct.

17 Q. And what number are those to?

18 A. (843)240-8658.

19 Q. And that first call is at what time?

20 A. It's at 11:19:37.

21 Q. Okay.

22 A. On the 25th.

23 Q. And can you tell if any of those calls from
24 that -- your target number to that 240-8658 number, can you
25 sort of give me the timeline of those numbers?

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 MR. HAZZARD: Objection.

2 MS. RICHARDSON: Or time frame?

3 THE COURT: Yes, sir?

4 MR. HAZZARD: I don't really have an objection,
5 but since I'm over here, it's kind of hard to get
6 everybody's attention. I would ask the court to instruct
7 the witness to -- he's been starting out with UTC Time and
8 then converting it. And I believe on this last one, he just
9 said 11:16. So I'm trying to figure out if he's talking
10 about UTC Time --

11 THE COURT: All right.

12 MR. HAZZARD: -- he's going to convert it, or if
13 he's going to go with Eastern Time when he's describing.

14 THE COURT: All right. And I certainly understand
15 that. And, Solicitor, if you could make sure that we're
16 referring to one time, I'm assuming that being Eastern Time.
17 BY MS. RICHARDSON:

18 Q. All right. So on line -- on Line 120.

19 A. Okay.

20 Q. That call is listed at 2/26 at 3:19:37, what time
21 is that in?

22 A. So that's going to be -- that's in UTC Time.

23 Q. Okay. And then to convert that it's going to take
24 it back to the 25th?

25 A. Correct. Minus five hours take it to the 25th.

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 Q. And so that's going to be approximately 10:19:37?

2 A. Yes, ma'am.

3 Q. And then there are -- I guess if you'll count how
4 many calls in a row there are to that number?

5 A. There are five calls.

6 Q. Okay. And the last of those, what time is that
7 and date in UTC Time?

8 A. It is 4:07:27 in UTC Time.

9 Q. Okay. And would that be in Eastern Standard?

10 A. Eastern Standard Time it's 11:07 and 27 seconds on
11 the 25th of February 2017.

12 Q. All right. And then the next call, can you tell
13 if that call has been -- and all of those calls have they
14 been successfully completed?

15 A. Except for this one up here, this was an abnormal
16 completion, this call, so it wasn't a successfully completed
17 call.

18 Q. And that's from your other target number?

19 A. Correct. From the 5159 number.

20 Q. And successfully completed just means that it did
21 go through to that other number?

22 A. Correct.

23 Q. All right. And then if you would go down to
24 line -- is that line, yes, there. All right. Can you give
25 me the date and time in UTC Time?

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 A. It's at 4:25:03 in the morning UTC Time on
2 February 26th of 2017.

3 Q. Okay. So what would that be in Eastern Standard?

4 A. Eastern time it would be at 11:25 and
5 three seconds on February 25th of 2017 in the p.m.

6 Q. Okay. And was that call completed successfully?

7 A. Yes, ma'am.

8 Q. And what number was it to?

9 A. It was to 1-800-214-5483.

10 Q. Okay. And how long was that call?

11 A. It was 57 seconds.

12 Q. So 2/25/17 at 11:25:03 p.m. Eastern Standard Time?

13 A. Yes, ma'am, p.m.

14 Q. After that call, are there any completed calls on
15 your record successfully completed calls on your record?

16 A. So there are calls that are successfully
17 completed, but they're calls that are going -- they're
18 incoming calls that are going to voice mail.

19 Q. So as far as outgoing calls, is that the last
20 outgoing call from this target number during this time
21 period?

22 A. Yes, ma'am.

23 Q. And on the next line -- on the next line there?

24 A. Uh-huh.

25 Q. Okay. Can you explain those next two lines?

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 A. So I absolutely can. So you have an incoming call
2 to the record holder. And then you have an outgoing call,
3 it's all the same transaction. It's incoming and then
4 outgoing to voice mail.

5 So what you have here is this 805 number that is
6 designated voice mail. So any time you see a number in this
7 second column that shows 805 ending in 7249, that means it
8 went to voice mail, to the voice mail platform. So it's an
9 incoming call and then it's going to the record holder and
10 it goes to voice mail.

11 Q. And what time is that in UTC Time?

12 A. So that is 6:53, I believe it's :07, UTC Time on
13 February 26th, 2017.

14 Q. And that call went to voice mail?

15 A. Correct. That's where it's -- that's the time
16 that it starts. And there's a little bit of time in
17 between, but it rolls to voice mail and then it's attached
18 to that voice mail line for 254 seconds.

19 Q. And in Eastern Standard Time?

20 A. That's going to be at 1:53:07 Eastern Standard
21 Time.

22 Q. So 1:53:07 on the morning of 2/26 Eastern Standard
23 Time that call went to voice mail?

24 A. Correct. In the morning of February 26, 2017.

25 Q. And in reviewing the records, what about the

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 remaining calls after that?

2 A. So in review of the records the remaining calls
3 after that are all going to voice mail. They're all -- if
4 you look here in this column all the calls are going to
5 voice mail. The 805 number is showing up. And all calls
6 going into that telephone number are going to the voice mail
7 platform.

8 Q. So when it says Outgoing, but it's going to the
9 805 area code, that means it's a voice mail?

10 A. Correct.

11 Q. It's received?

12 A. It's being forwarded tho the voice mail platform.

13 Q. All right. And do you have tower data on these
14 records?

15 A. There is tower data on the records, but there is
16 no tower data for the time period here which is consistent
17 with the phone being off or out of battery. It's not
18 registering with the network. The phone's not registering.

19 Q. So what time -- can you show us the line at what
20 time in UTC Time first that the phone first registered, you
21 said as turned off or out of battery?

22 A. Yes, ma'am. So that would be here 15:00:06 on
23 2/26 of 2017.

24 Q. And so converted that would be 2/26 at 10:00 a.m.?

25 A. Correct. It would be 10:00 a.m. and six seconds.

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 Q. Okay. And did the phone ever receive power after
2 that?

3 A. There was no calls after that as far as it's
4 consistent with it being off or out of battery, until the
5 very end. There was a call on the last that had some tower
6 information on there, the last call, but I don't see
7 anything else. Oh, I think I went too far, I'm sorry.

8 Yeah, that was it. There was no other
9 information.

10 Q. Okay. Let me show you what's been marked as
11 State's 45 for identification. Let me show it to them
12 first.

13 MR. HAZZARD: Court's indulgence.

14 THE COURT: Yes, sir.

15 MR. HAZZARD: Your Honor, may we approach?

16 THE COURT: Yes, sir.

17 (WHEREUPON, a bench conference was had.)

18 MS. RICHARDSON: Your Honor, since it was objected
19 to, I'm going to leave it up with the Court Reporter.

20 THE COURT: Okay. That's fine.

21 MS. RICHARDSON: Let me show.

22 THE COURT: Let me just -- I'm going to sustain
23 the objection. But you can proceed.

24 MS. RICHARDSON: And he can use it to...

25 THE COURT: If that will assist him.

RICARDO LEAL - DIRECT BY MS. RICHARDSON

1 BY MS. RICHARDSON:

2 Q. Would it assist you to look at this?

3 A. Yes, ma'am.

4 Q. All right. And State's 45, which is only for
5 identification purposes, can you tell us what that is?

6 A. So this is the records for the number ending in
7 1042.

8 Q. Okay.

9 A. It's the Call Detail Records with cell tower
10 information.

11 Q. Okay.

12 A. And basically it's for the two days.

13 Q. And just to summarize. Does it show your -- when
14 the last completed outgoing call was?

15 A. Yes. The same call that I spoke to earlier.

16 Q. Okay. And that was again what -- as to Eastern
17 Standard Time, what date and time?

18 A. That was at 4:25:03 UTC Time on the 26th, which is
19 actually 11:25:03 on the 25th in the p.m. of 2017.

20 Q. Okay. And after that time all calls went to voice
21 mail?

22 A. Correct.

23 Q. Thank you. I have no further questions. Answer
24 any questions that the other attorneys may have for you.

25 THE COURT: All right. Mr. Hazzard, do you have

RICARDO LEAL - CROSS BY MR. HAZZARD

1 any questions, sir?

2 MR. HAZZARD: Yes, sir. Very briefly.

3 THE COURT: Sure.

4 MR. HAZZARD: Thank you, Your Honor.

5 May it please the Court.

6 CROSS-EXAMINATION

7 BY MR. HAZZARD:

8 Q. Good afternoon, sir.

9 A. Good afternoon, sir.

10 Q. Now, I want to be clear, because this is kind of
11 confusing to me. The Prosecutor said the times on there are
12 military time. They're not military time, right?

13 A. It is in military time, but it's also in UTC Time.

14 Q. Okay. So when she said 3512, I'm not familiar
15 with a 3512 military time.

16 A. It's after midnight, 35 midnights after midnight.

17 Q. So you're talking about 00:35:12 seconds?

18 A. Correct.

19 Q. Okay. And that's five hours ahead of Eastern
20 Standard Time?

21 A. Correct.

22 Q. Okay. And you said the last number called was
23 1-800-214-5483?

24 A. Yes, sir.

25 Q. And what's that number to?

RICARDO LEAL - CROSS BY MR. HAZZARD

1 A. I don't know.

2 Q. Okay. And did they have you figure out Luis
3 Flores's number?

4 A. I didn't speak to anybody about Luis Flores's
5 telephone number.

6 Q. All right. And you said with regard to the
7 coverage area for the tower it could be a shorter distance,
8 it could be two and a half miles or thereabouts. Do you
9 have any idea the number of other towers in that vicinity?

10 A. I do not know the number of other towers that are
11 in the area.

12 Q. Because that would effect the coverage area of any
13 given tower normally, correct?

14 A. If there's other towers in the area they would
15 work in unison to complete calls. And so that's pretty much
16 how that works. Like, we're in the business of keeping
17 people in constant communication. And so that's more of an
18 engineering aspect of the tower placement and how all that
19 works. But, yes, we want to have coverage so there would
20 adjacent towers in the area to complete calls.

21 Q. So if I leave my home and walk two or three blocks
22 over, I could very well be hitting off the same tower, but
23 not near my home; is that correct?

24 A. Yes.

25 Q. Thank you. No further questions.

RICARDO LEAL - CROSS BY MR. HAZZARD

1 A. You're welcome.

2 THE COURT: All right. Mr. Voigt, any questions,
3 sir?

4 MR. VOIGT: No questions of this witness, Your
5 Honor.

6 THE COURT: All right. Mr. Edgeworth, any
7 questions, sir?

8 MR. EDGEWORTH: No additional questions, Your
9 Honor.

10 THE COURT: All right. Any redirect, Solicitor?

11 MS. RICHARDSON: You're Honor, I'm going to have
12 recall him on this other exhibit, State's Exhibit 44.

13 THE COURT: All right. Any objection?

14 MR. HAZZARD: I don't have an objection.

15 I guess, is she -- I mean, he's still on the
16 stand.

17 MS. RICHARDSON: I know, but I wanted to cover an
18 area outside of what I asked him on direct and so I'm
19 basically recalling him.

20 MR. HAZZARD: No, sir. No objection.

21 THE COURT: Any objection, Mr. Voigt?

22 MR. VOIGT: No objection.

23 MR. EDGEWORTH: No objection, Your Honor.

24 THE COURT: All right. Please proceed, Solicitor.

25 REDIRECT EXAMINATION

RICARDO LEAL - REDIRECT BY MS. RICHARDSON

1 BY MS. RICHARDSON:

2 Q. I got ahead of myself and forgot to show you.

3 I'm going to put in now what is State's

4 Exhibit 44. Can you identify the subscriber on these
5 records?

6 A. Yes, ma'am. So the subscriber for the number
7 (843)240-5159, is subscribed to Tiesh Rhue.

8 Q. And if you could go to the call detail records?

9 A. Okay.

10 Q. All right. And, again, these records begin on
11 what date and time in UTC Time?

12 A. So it's February 25th, 2017 at 00:13:52, after
13 midnight, 13 minutes after midnight.

14 Q. All right. And how -- and on what date do these
15 records end?

16 A. They end on February 26, 2017, at 23:28:38 UTC
17 Time.

18 Q. And if I could direct you to UTC Time 2/26 at
19 4:23:08 UTC Time.

20 A. Right there.

21 Q. Again, the conversion, can you do the conversion
22 for us?

23 A. Yes. So this is 4:23:08 UTC Time, which if you
24 convert it, it's going to be -- so that's on the 26th, and
25 if you convert it, it goes back to 11:23:08 on February 25th

RICARDO LEAL - REDIRECT BY MS. RICHARDSON

1 of 2017 in the p.m.

2 Q. Okay. And what number is that called to?

3 A. It's to 1-800-214-5483.

4 Q. And the length of that call?

5 A. Forty-five seconds.

6 Q. Okay. And the next call?

7 A. It, too, is a call to the same number,
8 1-800-214-5483, it's at 4:24:03 UTC Time, in the morning.
9 Which translates -- and that would be on the 26th of 2017,
10 but it goes back to the 25th at 11 -- February 25th, 2017 at
11 11:24:03 in the p.m. and it lasts for 19 seconds.

12 Q. All right. I have no further questions. Answer
13 any questions that the attorneys may have for you.

14 A. Thank you, ma'am.

15 THE COURT: Mr. Hazzard?

16 MR. HAZZARD: I have no questions, Your Honor.

17 THE COURT: All right, sir. Mr. Voigt?

18 MR. VOIGT: No questions, Your Honor.

19 THE COURT: Mr. Edgeworth?

20 MR. EDGEWORTH: No questions, Your Honor.

21 THE COURT: All right. Sir, thank you very much.
22 If you're here under subpoena, you're released from your
23 subpoena and free to go.

24 THE WITNESS: Thank you very much.

25 THE COURT: Yes, sir.

DOMENIC ARMSTRONG - DIRECT BY MS. RICHARDSON

1 MS. RICHARDSON: The State calls Domenic
2 Armstrong.

3 DOMENIC ARMSTRONG, having been duly
4 sworn, testified as follows:

5 THE WITNESS: My name is Dominic Armstrong.

6 THE COURT: Hold on one second, Ms. Armstrong.
7 Solicitor, there's something here.

8 Thank you for bringing that to my attention,
9 Mr. Bailiff. There's an exhibit.

10 DIRECT EXAMINATION

11 BY MS. RICHARDSON:

12 Q. Ms. Armstrong, where are you employed?

13 A. Verizon.

14 Q. Okay. And what do you do for Verizon?

15 A. I'm a senior analyst in executive relations. And
16 in that title I am a custodian of records.

17 Q. And how long have you been working for Verizon?

18 A. Nine years.

19 Q. And were you asked to provide some records in
20 reference to this case?

21 A. Yes.

22 Q. Okay. And let me show you what's been marked as
23 State's Exhibit 46, and can you tell me what that is?

24 A. This disk contains the records that are
25 authenticated.

DOMENIC ARMSTRONG - DIRECT BY MS. RICHARDSON

1 Q. Okay. And for what target number are those
2 records for?

3 A. (843)359-8519.

4 Q. Okay. And have you reviewed the contents of that
5 disk?

6 A. Yes.

7 Q. Okay. And you've initialed the same?

8 A. Yes.

9 Q. And is that an accurate reflection of the records
10 that were provided in this case?

11 A. Yes.

12 Q. Okay. And are those kept in the normal course of
13 business with Verizon?

14 A. Yes.

15 MS. RICHARDSON: Your Honor, at this time I'd
16 offer State's 46 into evidence.

17 THE COURT: Any objection, sir?

18 MR. HAZZARD: If she could just state whose
19 records they are and might give some relevance to them.

20 THE COURT: Solicitor, do we know whose records
21 they are?

22 MS. RICHARDSON: Your Honor, we would be getting
23 additional information for that. This witness is not going
24 to be able to testify as to the identity of the records.

25 THE COURT: All right.

DOMENIC ARMSTRONG - DIRECT BY MS. RICHARDSON

1 MR. VOIGT: I'll jump on this one, Judge. I don't
2 believe there's been a foundation layed for the relevance in
3 this trial. So I would object.

4 THE COURT: Mr. Edgeworth?

5 MR. EDGEWORTH: Likewise, Your Honor. Relevance
6 at this point.

7 THE COURT: Counsel approach.

8 (WHEREUPON, a bench conference was had.)

9 THE COURT: All right. So as far as admitting
10 them, I believe they are admitted without objection pursuant
11 the representation that the Solicitor made at the bench
12 conference; is that accurate?

13 MR. HAZZARD: Your Honor, my objection is with
14 regard to proving relevance.

15 THE COURT: Right.

16 MR. HAZZARD: In other words, with regard to the
17 identification of the number, the Prosecutor said, As an
18 officer of the Court the identification of the number as she
19 perceives them and that future State witnesses will --

20 THE COURT: Yes, sir.

21 MR. HAZZARD: -- be under oath. I take her at her
22 word. I withdraw my objection.

23 THE COURT: All right.

24 MR. VOIGT: Based on representations made, it is
25 without objection.

DOMENIC ARMSTRONG - DIRECT BY MS. RICHARDSON

1 THE COURT: I understand.

2 MR. EDGEWORTH: Likewise, Your Honor. Thank you.

3 THE COURT: All right. Go ahead.

4 MS. RICHARDSON: So State's Number 46, which is
5 the (843)359-8519 number, it's the State's position that
6 it's Alexander Rhue Sr.'s phone -- the 843 number is Sr.'s
7 phone.

8 And State's Exhibit Number 47, which is
9 (202)309-8145. The 202 area code would be Alexander Rhue
10 Jr.'s phone, pursuant to the --

11 MR. VOIGT: Objection.

12 THE COURT: Come on up.

13 (WHEREUPON, a bench conference was had.)

14 THE COURT: All right. Ladies and gentlemen, I
15 just want you to disregard the last statement that the
16 Solicitor made.

17 Solicitor, you now may continue.

18 BY MS. RICHARDSON:

19 Q. So I'm not sure where we left off. 46 is for what
20 target number?

21 A. (843)359-8519.

22 Q. And State's Exhibit 47 is for what target number?

23 A. (202)309-8145.

24 Q. And have you reviewed the contents of both of
25 these disks?

DOMENIC ARMSTRONG - DIRECT BY MS. RICHARDSON

1 A. Yes.

2 Q. And is this an accurate copy of the records that
3 are kept in the normal course of business by Verizon and
4 provided pursuant to search warrant in this case?

5 A. Yes.

6 MS. RICHARDSON: Your Honor, at this time I'd
7 offer 46 and 47, because I think I offered one and not the
8 other, into evidence.

9 THE COURT: Any objections, sir?

10 MR. HAZZARD: No, sir.

11 THE COURT: Any objection. I'm tending the
12 representation of the Solicitor?

13 MR. VOIGT: Yes.

14 MR. EDGEWORTH: No objection.

15 THE COURT: Excellent. It's admitted without
16 objection subject to the representation that the Solicitor
17 made just a few moments ago at the bench conference.

18 MS. RICHARDSON: Thank you.

19 (WHEREUPON, State's Exhibit Numbers 46 and 47 were
20 moved into evidence.)

21 MS. RICHARDSON: And permission to publish to the
22 jury?

23 THE COURT: Yes, ma'am.

24 BY MS. RICHARDSON:

25 Q. Beginning with State's 46, and that's area code

DOMENIC ARMSTRONG - DIRECT BY MS. RICHARDSON

1 (843) 359-8519.

2 A. Yes.

3 Q. And as far as subscriber information, could you
4 tell us what the subscriber information is for this phone
5 number?

6 A. The subscriber information is unknown as it
7 belongs to Trac-Phone Wireless.

8 Q. Okay. And if you could refer to the call detail
9 records on this phone.

10 A. (Indicating.)

11 Q. Now, your records are provided in what time zone?

12 A. This particular set of records is in Eastern Time.

13 Q. Okay. So no conversions from UTC Time or
14 anything?

15 A. No.

16 Q. Okay. All right. And if I can refer you to
17 2/26/2017 at 1:56 a.m.

18 A. (Indicating.)

19 Q. Okay. And if you can scroll over to the tower
20 data?

21 A. (Indicating.)

22 Q. Okay. At 1:56 a.m., what tower is that -- is
23 being utilized by this telephone?

24 A. 1642.

25 Q. Okay. In what sector?

DOMENIC ARMSTRONG - DIRECT BY MS. RICHARDSON

1 A. 2 Beta.

2 Q. And then the next call is at 2/26 at 1:59, and
3 what tower and sector is being used there?

4 A. 1642 Sector 1 Alpha.

5 Q. Okay. After 1:59 a.m., when is the next call that
6 is made?

7 A. February 26, 2017 at 8:40 a.m.

8 Q. So there is no cell data between 1:59 a.m. and
9 8:40 a.m.; is that correct?

10 A. Correct.

11 Q. Let me -- now, let's do the same thing for State's
12 Exhibit 47. And if you could look at the subscriber
13 information on that as well.

14 A. The subscriber identity is unknown as this belongs
15 to Tricom Wireless.

16 Q. Okay. If you could look at the call detail
17 records, and if I could refer you to 2/26/2017 at 1:52 a.m.

18 A. Can you repeat the date?

19 Q. 2/26/17 at 1:52 a.m.

20 A. Okay. I see it.

21 Q. And when that call -- there are two calls
22 sequentially that have the same number. Can you explain
23 what that means?

24 A. This appears to be a routed call. It's only one
25 phone call. The home switch of the phone number belongs to

DOMENIC ARMSTRONG - DIRECT BY MS. RICHARDSON

1 the Washington switch. As this person was not in the home
2 switch area it was routed to the Charleston switch. So it
3 appears to be a duplicate call, but it's only one phone
4 call.

5 Q. Okay. And so for that call at 1:52 a.m. what
6 tower and sector is that phone utilizing?

7 A. So, Cell Number 1642, Sector 2 Beta.

8 Q. Okay. And then the call at 2/26/2017 at 2:09
9 a.m., what cell tower and sector is that utilizing?

10 A. Can you repeat the times?

11 Q. 2:09 a.m.

12 A. Cell 1642, Sector 3 Gamma.

13 Q. And when after 2:09 a.m. is that phone utilized
14 again for a call? Or the next line, what is that?

15 A. So that would be 5:05 p.m.

16 Q. Okay. So no activity as far as calls from
17 2:09 a.m. to 2:05 p.m.?

18 A. 5:05 p.m.

19 Q. I mean 5:05 p.m. Okay.

20 And if you could refer to text data on this. So
21 text messages are kept on a separate spread sheet by Verizon
22 than phone calls; is that right?

23 A. Yes.

24 Q. So the call detail records we looked at were just
25 for phone calls and this is just for text messages?

DOMENIC ARMSTRONG - DIRECT BY MS. RICHARDSON

1 A. Yes.

2 Q. Okay. All right. And if you could refer to going
3 2/26/2017, there at the top, were these -- was this phone
4 utilized for text messages on February 26, 2017?

5 MR. HAZZARD: Your Honor, maybe I missed it, if I
6 could ask for clarification on which number they're talking
7 about.

8 MS. RICHARDSON: This would be (202)309-8145.

9 MR. HAZZARD: Thank you, ma'am.

10 BY MS. RICHARDSON:

11 Q. If you could refer to line two and three, please?

12 A. One moment. I would need to look at the text
13 detail report, detail sheet, please.

14 Q. Okay.

15 A. And can you repeat the question?

16 Q. Yes. Can you tell us if this phone was used for
17 text messages on February 26, 2017?

18 A. Yes.

19 Q. Okay. And what times were those text messages?

20 A. There was on outbound text message at 3:05 a.m.
21 And there was an inbound text message at 5:25 a.m.

22 Q. Okay. And were those from the same number?

23 A. Yes.

24 Q. Okay. And at 3:05 a.m. what was the outgoing text
25 message, what number was that to?

DOMINIC ARMSTRONG - CROSS BY MR. VOIGT

1 A. (704) 441-7355.

2 Q. Okay. And is that the same number that sends the
3 incoming text at 5:25?

4 A. Yes.

5 Q. Okay. Thank you. I have no further questions.
6 Please answer any questions that the attorneys may have for
7 you.

8 THE COURT: Mr. Hazzard?

9 MR. HAZZARD: No questions, Your Honor.

10 THE COURT: Mr. Voigt?

11 MR. VOIGT: Just briefly, Judge.

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. VOIGT:

15 Q. Ma'am, thank you very much for coming down.

16 When were these records requested of you? Do you
17 have that information?

18 A. They were requested in 2017. I don't know the
19 exact date.

20 Q. What were the parameters of the request? What
21 dates were requested?

22 A. I don't know the dates by heart. I would need to
23 review the document again.

24 Q. Please, if it would help you.

25 MS. RICHARDSON: Which one do you want?

DOMINIC ARMSTRONG - CROSS BY MR. VOIGT

1 MR. VOIGT: I'm only interested in 47 for the
2 purposes of this question.

3 BY MR. VOIGT:

4 Q. While this is coming up. I can ask you another
5 question, if that's all right with you?

6 A. Yes, that's fine.

7 Q. As a records custodian, is it your job to get only
8 the records that are requested of you through a subpoena or
9 a request such as the one the State has given to you?

10 A. Subpoena or search warrant, yes.

11 Q. Okay. So you don't get to pick what dates, you
12 just if it's in a subpoena or a search warrant, you use
13 those dates and times to collect the records for Verizon?

14 A. Yes.

15 MR. VOIGT: Is this the record?

16 MS. RICHARDSON: 47?

17 MR. VOIGT: Yes. Is she able to look at it?

18 BY MR. VOIGT:

19 Q. Could you look at 47 and find out what dates were
20 requested?

21 A. I don't see a copy of the request in this file.

22 Q. On the sheet that we were referring to before 47,
23 what is the last telephone call made in the time frame that
24 you have on those records?

25 A. For which telephone number?

DOMINIC ARMSTRONG - CROSS BY MR. VOIGT

1 Q. And this is for what has been identified as
2 State's 47, which is a number ending 8145.

3 A. And can you repeat your question?

4 Q. I'll try. Using this information what is the last
5 time and date of the last phone call for these records for
6 this records request?

7 A. February 26, 2017 at 5:05 p.m.

8 Q. Okay. Had you been requested -- had Verizon
9 received a request for dates after February 26, 2017, that
10 would have something that you would have complied with to
11 the best of your ability; is that correct?

12 A. Can you rephrase your question? I'm not quite
13 sure I understand.

14 Q. If they, for example, had subpoenaed March 31st,
15 2017, you'd be able to see March 31st records as well, would
16 you not?

17 A. Yes.

18 Q. So it's safe to say that they only requested
19 through February 26th, because that's what you have?

20 A. Not necessarily. If there was a time -- if the
21 date range went further than that and it pulled back
22 records, it's a possibility that no other activity could
23 have happened as well.

24 Q. It could have been -- I understand. Thank you
25 very much.

CYNTHIA SCHANDL - DIRECT BY MS. RICHARDSON

1 THE COURT: Mr. Edgeworth, do you have any
2 questions, sir?

3 MR. EDGEWORTH: No questions for this witness.

4 THE COURT: All right. Any redirect, Solicitor?

5 MS. RICHARDSON: No, Your Honor. And we'd ask
6 that she be excused.

7 THE COURT: All right. Ma'am, thank you so much
8 for coming, we appreciate your testimony.

9 THE WITNESS: Thank you.

10 THE COURT: All right. Solicitor.

11 MS. RICHARDSON: The State calls Dr. Schandl to
12 the stand.

13 CYNTHIA ANNA SCHANDL, having been duly
14 sworn, testified as follows:

15 THE COURT: For the purposes of your testimony, if
16 you could remove your mask, we'd appreciate it very much.

17 THE WITNESS: Thank you, sir.

18 THE COURT: Thank you.

19 THE WITNESS: My name is Cynthia Anna Schandl,
20 S-C-H-A-N-D-L.

21 DIRECT EXAMINATION

22 BY MS. RICHARDSON:

23 Q. And are you a medical doctor?

24 A. Yes, ma'am.

25 Q. And a PhD?

CYNTHIA SCHANDL - DIRECT BY MS. RICHARDSON

1 A. Yes, that's correct.

2 Q. All right. And could you tell me where you're
3 employed?

4 A. Yes. I work at the Medical University of
5 South Carolina in Charleston, South Carolina.

6 Q. Okay. And what do you do there?

7 A. I'm a pathologist.

8 Q. Okay. And could you tell us the benefit of your
9 educational background?

10 A. Surely. So after high school, I went to college
11 at the California State University System in San Bernadino.
12 I received my bachelors degree in biology.

13 Thereafter, I did come to Charleston to the
14 Medical University of South Carolina, where I did get my
15 doctoral degree, my PhD; as well as my medical degree, my
16 MD.

17 And then, following those eight years of school, I
18 went on to residency training, which was an additional
19 four years, and then two additional years of fellowship
20 training. And after all that training, I do have,
21 certainly, a medical license and four board certifications
22 in pathology, including anatomic pathology, clinical
23 pathology, forensic pathology and molecular genetic
24 pathology.

25 And I was brought on to faculty at the Medical

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1 University of South Carolina in 2004, and have been employed
2 there ever since. Rising through the ranks, I am now a
3 tenured professor at that college.

4 Q. And, as such, do you perform autopsies?

5 A. Yes, ma'am. So with my forensic pathology hat on,
6 that's one of the main things that we do.

7 Q. Okay. And just basically explain what forensic
8 pathology is.

9 A. Sure. Absolutely. So if you think about
10 pathology, the "ology" means the study of, right? So
11 biology or pathology. And pathology is the study of
12 disease. And so when you put forensic in front of it,
13 you're talking about, Well, how does disease or trauma, how
14 do those things work within the law?

15 So how -- where do those things intersect? And so
16 the kinds of cases that a forensic pathologist is often
17 responsible for are persons who died of unexplained reasons
18 or a violent way or accidentally or suicide. Those sorts of
19 things will come under the purview of the forensic
20 pathologist, whose job it is then to determine the cause of
21 deaths of what made them die. And then also, in some
22 jurisdictions, the manner of death.

23 Q. Okay. And how many autopsies have you performed?

24 A. Over two thousand.

25 Q. Okay. And have you been qualified as an expert

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1 previously?

2 A. Yes, ma'am.

3 Q. And how many times have you testified?

4 A. More than a hundred.

5 MS. RICHARDSON: Your Honor, at this time I'd
6 offer Dr. Schandl?

7 THE WITNESS: Schandl.

8 MS. RICHARDSON: Schandl as an expert in the area
9 of forensic pathology.

10 THE COURT: Any objection?

11 MR. HAZZARD: No, sir.

12 MR. VOIGT: No, sir.

13 MR. EDGEWORTH: No, Your Honor.

14 THE COURT: All right. Ladies and gentlemen,
15 normally a person cannot give opinion testimony, that is
16 they must testify as to what they either heard, or saw,
17 sensed, maybe smelled.

18 However, there's an exception when someone is
19 qualified because of education or experience they're
20 permitted, in fact, to give their opinion in certain areas
21 if the Court qualifies them that way.

22 This witness will be qualified in the area of
23 forensic pathology. And, as such, she can give opinion
24 testimony in that area. I do want you to know that it
25 doesn't mean that you have to accept the opinion, but it is

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1 evidence for you to use any way you see fit. Thank you.

2 BY MS. RICHARDSON:

3 Q. So were you asked to do an autopsy on the body
4 of -- or on an individual who was later identified as Leon
5 Harrison Jr.?

6 A. Yes, ma'am. That was back in 2017.

7 Q. Okay. And can you basically tell us the condition
8 of the body when it arrived?

9 A. Sure. Absolutely. So when we're going to do an
10 autopsy -- so there are several different procedures
11 involved. Certainly, the first is we're notified, in this
12 state anyway, by the coroner or the deputy coroner of the
13 county where the person is. And then that entity will
14 transport the body to our facility in Charleston,
15 South Carolina.

16 So the first I would see of the person would be
17 after they would come to Charleston, and are brought up to
18 the autopsy room. So when I first saw Mr. Harrison, he was
19 starting to decompose and he also was noted to, or I noticed
20 quite clearly, that he had both his hands bound and his
21 ankles bound with wire.

22 So when I received him he had clothing on. It was
23 all wet and partially disarrayed and he was bound at the
24 wrists and at the ankles. So those were the first
25 observations that I made.

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1 Q. And could you tell a race and gender?

2 A. Yes, to some extent. We can certainly tell the
3 sex of the individual based upon their external genitalia as
4 well as internal findings. And this person was a male. As
5 far as the race, you know that's much more difficult with
6 decomposition, people tend to change -- people or anything
7 that's decomposing -- tends to change colors, but there was
8 some skin that would indicate to me that this individual had
9 a darker complexion.

10 Q. And could you basically tell us what your process
11 and findings were in this case?

12 A. Sure. So in any forensic autopsy, we do things in
13 sort of an organized stepwise fashion. So I mentioned my
14 observations when the individual came up to the autopsy
15 room. At that point I'll take some pictures as to document
16 how the individual came to me. After those pictures are
17 taken, the clothing can be removed, and then I'll take
18 individual pictures of the clothing. Then I'll look at all
19 of the body surfaces, looking for any kind of defects or
20 injuries or evidence of identification, measure height and
21 weight, and all those sorts of things.

22 And then, after all of that is done, we'll also
23 take a series of X-rays, particularly in cases where someone
24 is starting to decompose and their skin isn't entirely
25 intact, such as was the case with Mr. Harrison. And also if

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1 we're trying either exclude or find a projectile. So if
2 there's a bullet or something else that we're going to find
3 by an X-ray, that's another reason we would take a series of
4 X-rays. So X-rays were taken in this case as well.

5 So after all of those initial things happen, we'll
6 also determine whether any evidence can be gathered from the
7 body at that time. So in this case, due to the
8 decomposition, the epithelium, so the covering of the skin,
9 had come off of one of the hands, we call that "gloving."

10 So when that happens, since the nails are part of
11 your epithelium, the top layer of skin, those are also lost.
12 So we did not have the nails from one of the hands. But the
13 other glove, the other epithelial cover of the other hand,
14 was still there, so I did collect the fingernail clippings
15 for evidence.

16 And so then after all the external exam things are
17 completed. Then we start what many people think about as
18 the autopsy, which is the internal exam with the wide
19 incision to see if there's any evidence of disease or trauma
20 inside the body.

21 So we go through each individual organ system, all
22 of the larger vessels, including, and as far as organs, also
23 the brain, to again, look for any signs of disease or
24 trauma. And, of course, all of those things were done on
25 this individual as well. And then another part of a

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1 forensic autopsy is, if possible, is to do a toxicological
2 examination.

3 So, again, we're trying to exclude other causes of
4 death, such as if he had any drugs on board or anything like
5 that. And in the case of someone who's decomposed, and this
6 particular case, there was no blood left. The blood tends
7 to leak out of the vessels so you can't gather it. And so
8 for this case, the toxicological exam was performed on liver
9 tissue, which is also very useful for that purpose.

10 Also, during the autopsy examination it is my
11 habit to always put in some sections of major organs to look
12 for certain things, including disease and other findings,
13 and that was done in this case as well. And then, once all
14 of that is said and done, I put all my findings and the
15 findings from the toxicology laboratory and other places,
16 into a report which I generate and give back to the coroner,
17 who requested the autopsy.

18 Q. Okay. And explain to the jury the difference
19 between cause of death and manner of death.

20 A. Sure. Sure. Absolutely. So cause of death and
21 manner of death -- my husband to mix these up -- anyway, so
22 cause of death is the thing that killed you, okay? So if
23 you had a heart attack, a myocardial infarction, that would
24 be your cause of death.

25 Now, if you had a heart attack because you had

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1 coronary arteries, then, the manner of death would be
2 natural, because that's your own body doing things, right?

3 But if you had a heart attack because somebody
4 frightened you, or, you know, otherwise attacked you, or who
5 knows what, if you had a heart attack directly as a result
6 of somebody else's action, well that could potentially be a
7 homicide.

8 So the cause is the thing that killed you. And
9 the manner is a determination of the events surrounding what
10 killed you. So that's how I think of them as different.

11 Q. Okay. And what are the manners of death, the
12 classifications that you use?

13 A. So the manners of death, they will -- they can
14 differ depending upon where you live and what jurisdiction
15 you're in. In South Carolina we have five to choose from
16 including: Undetermined, homicide, suicide, accident, and
17 natural. So you pick one of those things and that would be
18 the manner of death.

19 Q. Okay. And suicide would be death at your own
20 hands, obviously?

21 A. That's correct.

22 Q. And homicide, what would that be?

23 A. So homicide is simply a description that an
24 individual did die either at the hands of another person or
25 by their neglect. So something that they did or did not do

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1 to the individual that is deceased that, you know, led to
2 their demise.

3 Q. Okay. And you took, or numerous photos were
4 taken, during this autopsy?

5 A. Yes. I am in the habit of documenting quite
6 extensively with pictures.

7 Q. Okay. And let me show you what has already been
8 entered into evidence as State's Exhibit 13. Do you
9 recognize that?

10 A. Yes, ma'am. So part of the external exam, I did
11 see a tattoo. Fortunately, for us when the epithelium comes
12 off, tattooing is in the dermis, so beneath the epithelium.
13 So tattoos will withstand that sloughing of the outer layer
14 of skin, so there was a tattoo.

15 Q. Okay.

16 THE COURT: Solicitor, Counsel, approach for a
17 minute, please.

18 (WHEREUPON, a bench conference was had.)

19 THE COURT: All right. Ladies and gentlemen,
20 we're going to take a break for a few minutes. I want to
21 encourage everyone to please do your best to pay attention.
22 I know it's sometimes difficult after lunch, but the
23 testimony today that you're receiving is very important.

24 So we're going to take about a 15-minute break
25 give everybody an opportunity to stretch, so that we can try

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1 to continue with the Doctor's testimony. And thank you for
2 your patience and for your attention. Thank you.

3 (WHEREUPON, the jury exited the courtroom at 2:51
4 p.m.)

5 THE COURT: All right. We'll be at ease for
6 15 minutes. Thank you.

7 (WHEREUPON, there was a break held from 2:52 p.m
8 until 3:08 p.m.)

9 THE BAILIFF: All rise.

10 THE COURT: Thank you. Please be seated.

11 All right. Are we ready to bring the jury in from
12 the State?

13 MS. RICHARDSON: Yes, Your Honor.

14 THE COURT: Defense?

15 MR. HAZZARD: Yes, sir.

16 MR. VOIGT: Yes, sir.

17 MR. EDGEWORTH: Yes, Your Honor.

18 THE COURT: All right. Doctor, again, sorry for
19 the interruption. All right. Let's get the jury.

20 (WHEREUPON, the jury entered the courtroom at 3:08
21 p.m.)

22 THE COURT: All right. Ladies and gentlemen,
23 thank you and I appreciate your giving the State and the
24 Defense your best efforts as it relates to attention in this
25 matter. And, as I've said before, it's an extremely

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1 important case and I know you understand that and will
2 continue to do so.

3 All right. Solicitor, if you would, continue with
4 the Doctor's direct examination, please?

5 BY MS. RICHARDSON:

6 Q. Okay. All right. And I believe you were looking
7 at State's Exhibit Number 13, the photo of a tattoo?

8 A. Yes, ma'am.

9 Q. Okay. And are those often helpful in identifying
10 individuals?

11 A. It certainly can be, absolutely.

12 Q. Okay. And in this case, as far as the victim's
13 facial features, had they been affected?

14 A. So decomposition does affect facial features, just
15 from swelling and things not quite exactly like they may
16 have during life. That's not to say that many people who
17 are in states of decomposition can't be identified by loved
18 ones, they certainly might be, but it makes it more -- more
19 challenging.

20 Q. Okay. And, obviously, it would be more upsetting
21 for a family member as well?

22 A. Yes.

23 Q. Okay. And let me show you -- this has already
24 been admitted. Let me show you what's been marked as
25 State's Exhibits 57 through 74 and photo 76, and see if you

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1 recognize those.

2 A. Yes, ma'am. So these are photographs taken during
3 the autopsy as well as reproductions of X-rays that we took
4 during the autopsy.

5 Q. Okay. And, obviously, that's just a portion of
6 the pictures that you took?

7 A. Yes, I took over a hundred pictures in this case.
8 And this is quite a few, yes.

9 Q. Okay.

10 MS. RICHARDSON: All right. Your Honor, at this
11 time I'd offer these photos into evidence.

12 THE COURT: Any objection.

13 MR. HAZZARD: Your Honor, since I'm not sure which
14 photos.

15 THE COURT: You want to show him the photos.
16 You'd like to glance through those, sir?

17 MR. HAZZARD: I'd appreciate it.

18 THE COURT: Absolutely.

19 MR. HAZZARD: Thank you, sir.

20 Okay. Your Honor, based on the in-camera hearing
21 with regard to the admissibility of these photos and the
22 objection I raised at that time, I will renew that objection
23 with regard to State's Exhibits 64, 65, 63, 60, 59, 72, 71,
24 70, 68, 67, and 62. The balance are acceptable to Alexander
25 Rhue Sr.

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1 MR. VOIGT: I would join in that objection and
2 concur with those that I don't.

3 MR. EDGEWORTH: Your Honor, I concur in the
4 objection as well. And for the record, I actually had 64 as
5 excluded. I don't know if we -- it's possible I wrote it
6 down wrong, but I just wanted to...

7 MS. RICHARDSON: Are you referring to Exhibit 64
8 or Photo 64?

9 MR. EDGEWORTH: I was going by the numbers that
10 were called.

11 THE COURT: Let me see -- if you show me 64, I'll
12 be able to confirm that.

13 MR. HAZZARD: I'm looking for it, Your Honor.

14 THE COURT: Yes, sir.

15 MS. RICHARDSON: You mean, Exhibit Number 64?

16 MR. HAZZARD: Your Honor, may we approach?

17 THE COURT: All right.

18 (WHEREUPON, a bench conference was had.)

19 THE COURT: All right. And so to that extent as
20 it relates to the objections, I note your objections for the
21 record, and I think we've addressed all of that at the
22 hearing early this morning. All right.

23 (WHEREUPON, State's Exhibits 57-74, 76 were moved
24 into evidence.)

25 MS. RICHARDSON: Your Honor, I'd ask that the jury

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1 be advised that some photos are deemed inappropriate.

2 THE COURT: All right. Ladies and gentlemen,
3 these are some of the photographs that the Doctor took. And
4 what I would tell you is some of these photographs may be
5 difficult to look at. But, again, it's not something that
6 anybody is actually going to enjoy, but as the oath that you
7 took as jurors, this is evidence, it's been admitted into
8 evidence.

9 And so, absolutely, if you want the Doctor -- were
10 you going to have the Doctor step down or what did you want
11 to do? I'm sorry.

12 MS. RICHARDSON: If she can see from here, she can
13 use the electronic mouse, if that's okay for you.

14 THE COURT: All right. That's fine.

15 Any objection to the instruction I gave the jury
16 from the Defense?

17 MR. HAZZARD: No, sir.

18 MR. VOIGT: No, sir.

19 MR. EDGEWORTH: No, sir.

20 THE COURT: All right. Thank you.

21 BY MS. RICHARDSON:

22 Q. And you did say you had taken over a hundred
23 photos?

24 A. Yes.

25 Q. And this is just a small portion of them?

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1 A. Yes. I don't know how many you have there, but
2 not a hundred.

3 Q. Okay. And you photograph just about everything
4 during an autopsy; is that right?

5 A. Well, you know, it depends upon the case. In this
6 case I thought it was important to show rather than try to
7 explain and describe things like the binds and it's very
8 difficult to describe. I don't know nautical language, so
9 knots and things, so just to show those sorts of things
10 rather than to try to describe them in words.

11 So, in this case, this is more pictures than one
12 would need in a usual case where so many things are
13 difficult to explain in words.

14 Q. Okay. Before we start showing these, can you just
15 go through, sort of, the basics of the body? Did you have a
16 height and weight for the body?

17 A. Yes. He was about 202 pounds and 68 inches, so
18 5'8", 200-ish. There's some changes with decomposition
19 where weight can be lost a little bit due to the
20 decomposition process. But that was, if I remember
21 correctly, I'll refer to my report that I mentioned earlier
22 to make sure that that is accurate, it is.

23 Q. Okay. And were you given any additional
24 information by the coroner before you began the autopsy?

25 A. So we always try to get context around any cases

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1 that we get so that we, you know, can frame what evidence we
2 need to collect and what pictures should meet those sorts of
3 things.

4 So, yes, and I can certainly go through what we
5 knew before the case, if that's something you would like me
6 to do?

7 Q. Yes, if you would.

8 A. So we frequently -- we'll use what we call an I
9 Form, or Information Form, for intake of cases, and that's
10 what I have in front of me now. And at the time that the
11 deputy coroner called our team, this individual had not been
12 identified.

13 So it was described as a John Doe, Georgetown
14 County. And, let's see, they notified our office on the
15 11th of March 2017 at 2:53 p.m. We have in here that they
16 that -- that if he is the person they think missing, he was
17 missing since 2/25, so February 25th.

18 The investigators suspect homicide, hands and feet
19 bound, found in Black River. Investigators to attend, may
20 attempt fingerprints if feasible, will attempt to find
21 dental X-rays. And there's a little note here that we did
22 ask whether we could save the jaws if we thought it would be
23 needed.

24 So a couple of those things, so the dental X-rays
25 that would be another way to try to identify a person. The

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1 jaws, that goes along with the dental X-rays so that we can
2 take our own X-rays of the jaws, the teeth, to compare to
3 any dental records that someone might have had.

4 So that's what those things mean.

5 Q. Okay. And can you generally just summarize your
6 findings your or diagnosis of the body?

7 A. Absolutely. So we have a little section here on
8 the front page of our autopsy report that's called Diagnosis
9 and it's sort of low down of everything that we saw in one
10 little place.

11 So under Diagnosis, we have, ankles and wrists
12 tightly bound by multiple turns of speaker wire. Defects of
13 right and left sides of torso and thighs suggestive of
14 postmortem animal predation. State of moderate
15 decomposition. No radiopaque projectiles or osseous trauma
16 on anterior/posterior radiographs. And history that the
17 decedent was found floating in a river after not been seen
18 for several weeks.

19 Q. Okay. All right. So I'm going to -- so you first
20 began with the X-rays; is that right?

21 A. So the X-rays are certainly part of the autopsy
22 examination and we will do X-rays before we do the internal
23 examination. So before we make any cuts to the body, we
24 will do a series of X-rays. And in this case we did a
25 series of anterior to posterior, so front to back X-rays.

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1 Of course, when you see them, they're flat, you can't tell
2 what's in front of what.

3 So we did a series all the way from the head to
4 the toe. Particularly, because there were defects in the
5 skin in various places, the abdomen, and the legs and hands,
6 and so we wanted to make sure that there isn't a bullet or
7 something like that that we might miss, you know, if we
8 don't do X-rays.

9 So we X-ray all the tissue, all the way from the
10 head to the toe, for that purpose, as well as to see if
11 there's anything else that we need to know about.

12 Q. Okay. And did you find any bullets or anything
13 like that --

14 A. No.

15 Q. -- in the X-rays?

16 Okay. And did you have any significant findings
17 regarding the condition of his skeleton and bones?

18 A. No. So the bones were all intact. The only
19 radiopaque objects were the bindings, since they were wire,
20 the metal does keep the X-ray from going through, which
21 makes it look white. But, of course, those weren't in the
22 body, those were on the body, so I, kind of, already knew
23 those were there. But, yes, no, nothing particular.

24 Q. Okay. All right. This is what's marked as
25 State's Exhibit Number 57. And can you tell us what that

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1 is?

2 A. Yes. So what you see here is one of the X-rays.
3 When we received the body, he was -- he looked like this, so
4 his hands were above his head in the water. And then when
5 he came to us, as well, he was still in this sort of
6 position. And so that's where we had to start with our
7 X-rays is up there. And so what you're seeing there are his
8 hands like this. And then that tie is the speaker wire and
9 you can tell that it's radiopaque, so that's why it's white.

10 So bone are relatively radiopaque, whereas soft
11 tissue is less so, the muscle and that sort of thing is less
12 so, so that's what this is.

13 The little "l" is helping us orient so "l" for the
14 left side of the body, so that we know when we come back to
15 these X-rays where we are in space.

16 Q. Okay. And then what's been marked as State's
17 Exhibit Number 58.

18 A. Yes, of course. And so here we are at the feet
19 and ankles, similar scenario. He was -- when we received
20 the body he was sort of in a frog-like position with one
21 foot on top of the other, and the ankles bound, again, with
22 this speaker wire. And that's what you're seeing here is
23 the feet and then the wire around the ankles.

24 Q. Okay. And we'll go to State's Exhibit 60, which
25 is. I'm going to refer you now to State's Exhibit

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1 Number 60, which is in your photographs, Number 5.

2 And can you describe to us, basically, the
3 significance of this photo and the findings that you made?

4 A. Sure. So what you see here is a side view of
5 Mr. Harrison, that tag down towards his rear end that says
6 "FA17-204," that's our case number for this particular
7 individual. And it has sort of a measuring device on there
8 so that we can tell how big things are, you can zoom into
9 something, or whatnot, so that's our identification tag.

10 And then, to the left of your picture, you can see
11 the hands over the head, again, going like this, and you can
12 see the shirt is kind of up over his head as well. And then
13 on -- right sort of on his middle you can see there's a
14 fairly large defect in his stomach wall and peaking through
15 are some intestines there.

16 And then, as you go further down, you see there's
17 his shorts, there's some more clothes down here by his
18 ankles. You can just sort of see a bit of the wire that is
19 binding the ankles here.

20 Q. Okay. And what if we -- we'll just take that down
21 for now. Can you turn that off for now, so it's not up here
22 the whole time.

23 Okay. So, basically, in your first overview of
24 the body, the external examination of the body, tell me
25 basically what you found there.

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1 A. So much, as what you've just seen, this individual
2 had his wrists bound, in this position his ankles bound so
3 that one foot was on to of the other. And he had several
4 defects of the body, you saw one on his abdomen. There was
5 another one on the other side of the abdomen. Some to his
6 hands and his legs as well.

7 So these defects are through the skin in all cases
8 and the deepest one is the one to the abdomen where you're
9 seeing the abdominal contents, the intestines, out there for
10 you to see.

11 Q. Okay. And what about the -- was there any rigor
12 mortis?

13 A. No. So after someone, or some animal, anybody --
14 after we die, there's a period of time where you lose all
15 the energy in the muscles and they tighten up. And then,
16 over time as decomposition occurs, they start to loosen from
17 things breaking down. So those muscles are no longer
18 functional so everything starts to release.

19 And this individual was at a point of
20 decomposition where everything was released. So rigors, or
21 rigor, is that stiffness that occurs after death from losing
22 all the energy in the muscles so you can't relax them. And
23 then -- so everything was now movable, so that period of
24 time had passed. That period of time is very variable
25 depending upon the enviromental conditions. We usually

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1 consider rigor to come and go within about 36 to 48 hours.
2 But, again, much more quickly if it's colder, less
3 quickly -- backwards -- much more quickly if it's hotter,
4 more slowly if it's colder out. So that period of time will
5 expand if it's cold, and be less long if it's warm.

6 Q. Okay. And did you find any other changes to the
7 skin?

8 A. Well, sure. And I mentioned before, decomposition
9 also comes with a wide variety of new colors for skin,
10 including reds and greens and purples. And so, certainly,
11 there was discoloration of his skin. The way that he was in
12 the water made what looks like an immersion line.

13 So there's line that sort of demarcates or marks
14 between the top of his body and the bottom of his body from
15 where he was floating. And so the skin that was above the
16 water is dried and more -- more dry and more dark in color.
17 Whereas, the skin that is either under clothing, so under
18 the shorts or that was in the water, is not dry like that,
19 it has a different coloration.

20 So many of these colors after death are largely a
21 result of either the environment or the bacteria that are
22 dividing now and taking advantage of the situation.

23 Q. Okay. And can you demonstrate what you're talking
24 about on that photograph?

25 A. I don't have it over here, and there's a lot of

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1 glare over there.

2 Q. Oh, do you have the mouse?

3 THE COURT: These are not on.

4 MS. RICHARDSON: Could you turn the monitors back
5 on? I'm sorry.

6 THE CLERK: Yes.

7 THE WITNESS: Okay. Yes, of course.

8 So, if you -- what I'm referring to with the upper
9 part and the lower part and this demarcation or whatnot, so
10 you can kind of make a line here across the body. And so
11 this part down here is a different color from this part up
12 here. And were you in the room, you would notice that this
13 skin up here has some drying artifact to it, which is not
14 effecting the skin here.

15 So that's simply a discoloration artifact of where
16 he was after he died and decomposition. So he's just --
17 that's the line I'm referring to in the colors.

18 Q. Okay. All right. Well, let's just first just go
19 through sort of your significant findings, and then we'll go
20 into more detail with the photographs, if you need them, so
21 we won't have to leave the photographs up as long.

22 A. Sure.

23 Q. Okay. So did you find, as far as the head, were
24 there any significant findings regarding his head?

25 A. Well, so the whole body was affected by

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1 decomposition, head not excluded. So as we mentioned with
2 the tattoo and with the gloving of the hands, you know, the
3 scalp starts to slough as well. So, you know, those things
4 are happening from top to toe.

5 But, I mean, aside from that, you know, opening
6 the brain cavity and looking at the scalp, I don't see
7 anything that looks like hemorrhage or stroke or blood in
8 the brain or anything like that.

9 So nothing -- it was certainly decomposing, the
10 brain was. So the brain, as decomposition continues,
11 becomes more of a fluid rather than a solid. So you do lose
12 a lot of the usually antonymy. So it's difficult to find,
13 Ooh, that's that part of the brain, when it comes out and
14 it's kind of not solid anymore, it's more of a liquid. But
15 other than changes of decomposition, no.

16 Q. Okay.

17 A. Now, there, again, another thing that was off all
18 over the body in various places were defects to the skin.
19 And I mentioned those a moment ago, and there was, in fact,
20 a defect to the skin of the chin. But, again, they're all
21 over the place, on the abdomen, on the legs, on the hands,
22 on the chin.

23 Q. Okay. And was there evidence of injury to the
24 torso?

25 A. So, again, we mentioned this with the photograph,

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1 there's a defect with the side of the abdomen. And, again,
2 all that you're seeing in that photograph is some of the
3 intestines. There's another defect on the left side of the
4 abdomen and that doesn't go into the belly cavity, so it's
5 just through the skin. Let's see, anything else. Multiple
6 linear skin defects up to one inch on the medial aspect of
7 the torso near the umbilicus.

8 So, again, more skin defects sort of below and to
9 the center of the body compared to that larger defect on the
10 side of his abdomen.

11 Q. Okay. And then as far as his upper extremities.

12 A. Sure. So the right hand did have a defect all the
13 way across the palm. And so you could actually see muscle
14 and tissue under that -- from that cut, so that wasn't just
15 through skin, but into the soft tissues of the hand.

16 There were also additional, sort of, jagged all
17 over the place additional defects to that hand, as well.
18 And then more skin punctures. We have something in the
19 right axillas, that's under arm, left shoulder, anterior
20 left forearm. And then, of course, that's where the binds
21 were, so once I was able to remove those with scissors,
22 there are furrows, so ligature furrows, so indentations to
23 the skin around the ankles and of course similarly to the --
24 these aren't the ankles are they -- the wrists and also
25 similarly to the ankles.

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1 Q. Okay. And then on the lower extremities.

2 A. Lower extremities, we've got inner and posterior,
3 inner of back of the right thigh. We've got, again, more
4 defect to the skin, jagged margins, multiple linear defects
5 up to two inches above that major defect that was six
6 inches. Left thigh also has a cluster of skin punctures and
7 linear defects up to one-and-a-half inches. And we've got a
8 two-inch skin defect on distal interior left thigh. So
9 that's above the knee on the front on the left.

10 Q. Okay. So after the external examination did you
11 do an internal examination?

12 A. Yes, ma'am.

13 Q. Okay. Can you go through your findings? And
14 that, of course, is to look for cause of death.

15 A. Yes. I mean, the whole thing is to look for cause
16 of death, but looking in the inside of the body,
17 specifically to look for abnormalities that are inside the
18 body that you wouldn't see on the surface of the body.

19 So, with that, we'll, you know, do the line
20 incision, you take the chest plate off, you can see the
21 lungs, you can see the heart, you take the organs out, you
22 dissect the organs one at a time, look at every different
23 part of every different organ. So, you know, kidneys,
24 liver, spleen. This was a male, so prostate, testes, all of
25 this stuff. Brain, of course, we mentioned already.

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1 So that's -- and then so the idea is, Is there any
2 disease that's significant and is there any trauma that's
3 significant that we can tell on this examination of all of
4 the inside of the body?

5 Q. Okay. And anything that was significant on the
6 head as far as any disease or injury?

7 A. No. No. Again, no skull fractures, no
8 hemorrhages that I could make out, either outside or inside
9 the skull cavity.

10 Q. Okay. And as far as the neck, did you find any
11 injuries to the neck?

12 A. Again, no. So it's going to be kind of a common
13 theme. I didn't find much of anything in any of the
14 internal organs. So as far as the neck everything was
15 intact. Sometimes you will look at the -- there's a little
16 bone here that floats that becomes calcified with age and it
17 can break if there's neck trauma, didn't find that.

18 Look at the tongue, sometimes someone might bite
19 their tongue should they be having a seizure or something
20 like that, didn't find that. And then, if you'd like, I can
21 kind of --

22 Q. Yeah. Just kind of summarize your findings.

23 A. Looked through the heart, the heart walls were not
24 too thick. The coronary arteries were clear. The aorta had
25 just a little bit of fatty streaking, which is a very early

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1 sign of atherosclerosis. The liver looked okay. Again,
2 it's capsule, it was intact, the lungs, again.

3 Other than decomposition, again, we're getting the
4 same kind of things going on the inside as we do the outside
5 of the body. Things start to get soft. They start to have
6 different colors than you're used to, those sorts of things,
7 and that's throughout. And then the GI system, again,
8 everything pretty much as one would expect, nothing really
9 weird. The kidneys, same thing. Spleen, again, also
10 intact.

11 The thyroid and adrenal glands, I could find them,
12 so that, to me, when I go back years later, that means he
13 wasn't all that decomposed, because I could still find some
14 of these smaller organs. Yeah.

15 Q. Okay. So based on your internal examination, did
16 you find anything that would have suggested a natural cause
17 of death or a death from disease?

18 A. No, ma'am.

19 Q. Okay. And you also did a toxicology report?

20 A. So I -- what we do is we get the sample for
21 toxicology and then send it a reference laboratory that
22 performs the toxicology and then they send us a report back,
23 so, yes.

24 Q. And what were the results of that, did he have any
25 drugs in his system?

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1 A. This was a comprehensive toxicology exam. The
2 only thing that was found was some ethanal. And the level
3 of ethanal, the way that they do livers is they weigh it, so
4 it's 1.26 milligrams per gram. And if you turn that around
5 into something that we're used to thinking about, it's
6 equivalent to 0.1213 percent, if you're thinking about terms
7 of how we think about alcohol in the blood. So it's sort of
8 an equivalent to that.

9 Q. So it's like a .01?

10 A. 0.1.

11 Q. Okay. And can that also -- can anything
12 contribute to that level besides just alcohol in the system?

13 A. Well, it is alcohol, absolutely alcohol.

14 Q. Okay.

15 A. The thing is, that after you are starting to
16 decompose, your friendly neighborhood micro-bacteria also
17 make alcohol. So the decomposition process itself will
18 cause alcohol to be formed, which then we can pick up in the
19 toxicology report.

20 So whether this individual was drinking alcohol or
21 not, I can't tell you. I know he was decomposing, that
22 could account for all of the alcohol, some of the alcohol,
23 that I can't tell you.

24 Q. Okay. And did you -- what did you end up
25 determining was the cause of death? Could you determine

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1 that?

2 A. Yes. So the cause of death in this case is
3 homicidal violence.

4 Q. Okay. And explain to us what that means.

5 A. Sure. Absolutely. So homicidal violence, again,
6 is anything that was imposed on an individual that leads to
7 their demise. In this case it could be something as simple
8 as the bindings themselves. If you think of it in a very
9 pristine condition, if you bind someone up like this so that
10 they can't really ambulate, they also can't take care of
11 themselves, they can't feed themselves, they can't get
12 water, those sorts of things.

13 So even if you take out all of the other factors
14 that in itself would be adequate to be homicidal violence.
15 And then anything on top of that, you know, whether it's
16 something with an implement, you know, it could be a knife,
17 could be a gun, could be a plastic bag, it could be any
18 number of who knows whats, might contribute as well.

19 So homicidal violence, in this case is, you know,
20 at its pristine level, just the findings that we are
21 absolutely 100 percent certain about. And then you can add
22 on to that whatever may have also occurred.

23 Q. Okay. And you also eliminated some other causes
24 of death that we talked about natural causes, you eliminated
25 that?